AN INTRODUCTION TO POLITICAL PARTIES AND PRACTICAL POLITICS

P. ORMAN RAY

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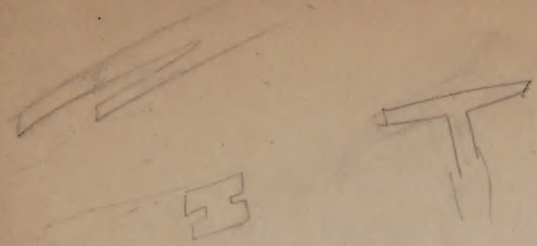

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AN INTRODUCTION TO POLITICAL PARTIES AND PRACTICAL POLITICS

AN INTRODUCTION TO POLITICAL PARTIES AND PRACTICAL POLITICS

BY

P. ORMAN RAY

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THIRD EDITION

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To the Memory of
MY FATHER AND MOTHER

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PREFACE TO THIRD EDITION

When the first edition of this book appeared in 1913 it seemed almost like the voice of one crying in the wilderness; for no other book had attempted in such detail to deal with political parties and their present-day organization and activities. Indeed, very few colleges and universities were then offering special courses in the study of these great institutions which furnish the motive power and the lubricant for running our governmental machinery.

That a third edition of this volume should be justified, with other competing books now in the field, is of itself impressive evidence not only of the favor with which earlier editions have been received, but also of the increasing interest in politics manifested both in our higher institutions of learning and by the reading public generally; and especially by such organizations as the League of Women Voters, which is rendering a service of incalculable value in educating voters, and in seeking, in unpartisan ways, to enlist their active, intelligent, and unselfish participation in practical politics.

To those who looked upon political parties and party practices a decade ago as inventions of the Evil One, and pessimistically despaired of ever raising the standard of party conduct, or the tone of party contests, this evidence and the facts which are brought together in this volume should bring encouragement and increased hopefulness. While no attempt has been made to gloss over or to minimize the shortcomings of our party system, pains have been taken to indicate the constructive reforms that have been achieved, tried, or suggested. With this more definite knowledge of things as they are, it is believed that those who take the trouble to study this volume and compare the present with conditions twenty years ago will come to have

a little clearer vision of the way to cleaner politics and better government.

At all events, it is hoped that the book will yield no friend of reform a valid excuse for pessimism or even discouragement. Deplorable as political conditions admittedly are in some respects, there has been no period in our history when so many intelligent and public-spirited citizens were interested in, and well-informed concerning, political problems; nor a time when there have been so many well-organized, ably-led, and influential civic organizations advancing the cause of reform on one sector or another. At times the army of progress and betterment may seem to move with exasperating slowness—periods when its advance is to be measured in inches instead of miles. Nevertheless, it presses steadily forward; and he who drops out of the ranks, faint-hearted and pessimistic, will ere long find himself left far in the rear.

Although this edition follows the general plan of the earlier editions, practically every chapter has been entirely re-written, and much new material has been added, including the principal party platforms of 1924, now placed in the Appendix. The other new matter relates to the following subjects: the nature and importance of parties; formulation of party platforms; the disruption of the Socialist Party and the appearance of the Communists; to the Non-Partisan League, the Farmer-Labor Party, and the National Conference for Progressive Political Action; to the direct primary, the national nominating convention, the presidential primary, the reform of presidential nominating methods, and the method of choosing presidential electors; to the methods of raising presidential campaign funds, the assessment of office-holders, and corrupt practices laws; to Southern election laws and negro disfranchisement, the registration of voters, non-voters and compulsory voting; to election officers and their duties, polling places, election supplies, voting-machines, voting by mail, and proportional representation; to problems of civil service reform; to recent changes in the Tammany organization; to the limitations of the recall; to recent phases of practical politics in legislative bodies, particu-

larly in Congress; and to the initiative and referendum. The bibliographies have been brought together in the Appendix, and the longer ones have been subdivided into "Parts" in order to make them of greater service both to students and to teachers. It is almost needless to add that a sincere effort has been made to bring the book down to date in every respect.

P. Orman Ray.

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KEY TO ABBREVIATIONS

Acad. Pol. Sci., for Academy of Political Science.

Am. Hist. Assn., for American Historical Association.

Am. Hist. Rev., for *American Historical Review.*

Am. Jour. Soc., for *American Journal of Sociology.*

Am. Pol. Sci. Assn., for American Political Science Association.

Am. Pol. Sci. Rev., for *American Political Science Review.*

Annals, for Annals of the American Academy of Political and Social Science.

Beard, for C. A. Beard's *American Government and Politics.*

Bryce, for James Bryce's *The American Commonwealth.*

Cycl. Am. Govt., for McLaughlin and Hart's *Cyclopedia of American Government.* 3 vols.

Jour. Pol. Econ., for *Journal of Political Economy.*

Lalor, for J. J. Lalor's *Cyclopædia of Political Science, etc.*

Nat. Mun. Rev., for *National Municipal Review.*

Nat. Mun. League, for National Municipal League.

No. Am. Rev., for *North American Review.*

Ostrogorski, for M. Ostrogorski's *Democracy and the Party System.*

Ostrogorski II, for M. Ostrogorski's *Democracy and the Organization of Political Parties*, vol. II.

Pol. Sci. Quar., for *Political Science Quarterly.*

Pop. Sci. Mo., for *Popular Science Monthly.*

Reinsch, for P. S. Reinsch's *American Legislatures and Legislative Methods.*

Rev. of Rev. for *Review of Reviews.*

Rhodes, for J. F. Rhodes's *History of the United States from the Compromise of 1850.*

AN INTRODUCTION TO POLITICAL PARTIES AND PRACTICAL POLITICS

PART ONE

PRESENT-DAY NATIONAL PARTIES

CHAPTER I

CHARACTERISTICS AND IMPORTANCE OF POLITICAL PARTIES

A POLITICAL party is more easily described than defined. A brief review of its essential characteristics will aid materially in reaching a satisfactory definition.

(1) A political party is an *organization*. If every citizen acted upon political questions as a dissociated atom there could be no political parties. There must be co-operation, unification, and subordination of the different elements composing the party; and this means organization. "There must be drilling and training, hard work with the awkward squad, and an occasional dress parade. This work requires the labor of many men: there must be captains of hundreds and captains of tens, district chiefs and ward heelers. . . ." The degree of organization and its character vary with the circumstances which evoke the party and keep it in existence. At the present time, for party success a high degree of organization is indispensable in national, state, and municipal politics. The failure, or early subsidence, of many reform movements in politics may be explained by the absence of adequate organization; in general, those parties are most successful in which the element of organization is most highly developed.

A Political Party is an Organization.

Party organization in the United States at the present time consists of two great series of committees, one devoting its activities primarily to the nomination and election of candidates for president, vice-president, and senators and representatives in Congress; the other series of committees attends to the same sort of work in connection with state and local offices. The

detailed description of each of these important phases of party organization will be found in later chapters.[1] At this point it is sufficient to say that, in general, the main objects of party organization are to promote harmony and prevent dissensions within the party; to enlist new voters, especially naturalized foreigners and young men and women who have just reached the voting age; to promote enthusiasm by speeches and literature, by the sympathy of numbers, and the sense of a common purpose; to impart instruction to the voters concerning political issues, the virtues of their own leaders, and the mistakes of their opponents; and, finally, to select the party candidates for public offices and to secure their election or appointment.

(2) The organization must possess a degree of *durability*, or permanence, in order properly to perform its functions. The party doctrines or principles and policies have to be propagated; its candidates for office have to be selected and their election secured; its principles and policies must be incorporated in the legislative or administrative policy of the nation or state; these achievements must be guarded and defended until their utility is fully proved and accepted. As all this requires an extended period of time, the element of durability is essential.[2]

Degree of Permanence Necessary to Party.

(3) A party consists of individuals, or *groups of individuals*, fluctuating in personnel and numbers. With this characteristic is involved the opportunity for the development of sharp differences of opinion between different groups over questions of party policy and party management. The older the party, the larger its membership, the wider the area over which its organization extends, the greater becomes the possibility of serious consequences flowing from these differences. Geographical sections, rival leaders with strong personal followings, as well as opposing economic interests, contend within every great party at one time or another for control of the party organization and the right to formulate its policies. Much of the time, energy,

A Party Consists of Varying Groups of Individuals.

[1] See Chapters VIII–IX.

[2] See F. J. Goodnow, *Politics and Administration*, 105–110.

and resourcefulness of party managers is employed in smoothing out these differences within the party and establishing harmony. When their efforts fail the differences often become acute and result in the formation of bitterly hostile groups. We then have what are called party "factions." It is also common to speak of this situation as a "split" in the party. Serious factional disturbances are peculiarly liable to develop within a party which has long been in office, and when there is no formidable party to oppose it.

Numerous examples of party factions will readily occur to any one familiar with American political history. Thus in the early Federalist party, there were factions grouped about the two dominant personalities of that party, namely, Alexander Hamilton and John Adams. Later, in the period between 1816 and 1828, the Jeffersonian Republican party was divided into so many factions, each supporting some influential political leader, *e. g.*, Henry Clay, John Quincy Adams, Andrew Jackson, that the period is commonly called the era of "personal politics." In the years immediately preceding the Civil War, the Democratic party in New York state was sharply divided over the question of slavery into warring factions called at first the "Hards" and the "Softs," later, the "Hunkers" and the "Barnburners"; and, almost contemporaneously, an even more bitter internal dissension marked the history of that party in Missouri.[1] At the same time, the Whig party in Massachusetts was similarly split into "Cotton" and "Conscience" Whigs. Since the Civil War, the Republican or the Democratic party has, at one time or another, and for varying reasons, been divided into the "Greenbackers," or "Soft money" faction, and the "Hard money" faction, into the "Stalwarts" and the "Half-Breeds," and into the "Gold" men and the "Silver" men. The past quarter of a century has witnessed strife within the Democratic party between the "Bryanites," who looked for leadership to William Jennings Bryan, and the "Anti-Bryanites," who have either reluctantly accepted, or have openly opposed, the policies which he has

Factions.

[1] See P. O. Ray, *The Repeal of the Missouri Compromise* (1909), Chs. I–II.

advocated. Beginning about 1907, the Republican party found itself divided into "insurgents" (a name soon changed to "progressives"), comprising the more forward-looking members who sought to commit the party to policies that were regarded by many as radical and unsound; and, on the other hand, the more conservative "reactionaries," "standpatters," or "Old Guard."

The prolonged existence of irreconcilable factions within a party is almost certain to lead to either a temporary or permanent disruption of the party. The faction not in control of the party machinery may secede permanently, and either unite with some other party or seek to establish a new party, as did the Liberal-Republicans in 1870–72, the Populists in 1890–92, and the Progressive Republicans in 1912. At other times, especially when dissatisfaction has arisen over some specific policy or candidate indorsed by the dominant group in the party, or over its failure to indorse a certain policy or candidate, a temporary secession takes place with a view to weakening the party for the time being, and in the hope of inflicting punishment upon the dominant faction for non-compliance with the demands of the seceders.

(4) The members of a party are united by common *principles* or a common *policy*. "Whatever other influences may actually be at work, campaigns of the party are always conducted in the name of certain high principles or general policies for which the party stands." The principles of a party are its durable convictions as to what the government should be and do. Party principles may be distinguished from party policies. The policy of a party comprehends all that the party does in order to establish its principles. "Principles are disclosed in the end which is sought; policy is the means employed for the attainment of that end." Policy, therefore, includes the whole of a party's conduct.

Principles and Policies.

The principles of a party are apt to be most conspicuous in its early or formative period. In its later history, policies are likely to overshadow principles. Both the principles and the

policies of a party are subject to change; to-day they may be quite different from what they were a generation ago. Of the two, policies are far more liable to change than are the principles upon which the party organization has been erected. This is due to the varying exigencies of the party and the appearance of new problems respecting which the party must define its position. It is more or less tacitly assumed by political parties that the principles and policies which they respectively advocate would, if accepted by the electorate and put into operation, make for the greatest happiness of the greatest number. The adoption of the principles of my party and the rejection of the principles of your party, it is assumed, will inure to the greater welfare of the state. Finally, principles and policies are likely to receive more conscientious attention from the conspicuous national leaders of the party, its statesmen, and to be much more influential in determining their public conduct than is true in the case of the rank and file of party members and managers.

Not only may a party modify both its principles and its policies, it may even cease to have either and yet continue to exist for a considerable period. Not infrequently the party organization and name endure after the principal purpose of the party has been accomplished or abandoned. "Parties, although formed to secure certain ends, get to be ends in and of themselves."

Emotional Factors.

However much intellectual convictions may have to do with the origin or creation of a party, emotion or sentiment has much more to do with its continued existence, its vitality, and its combative powers. "Men enjoy combat for its own sake, loving to outstrip others and carry their flag to victory. The same sort of passion as moves the crowd watching a boat-race between Oxford and Cambridge, or a football match between Yale and Harvard, is the steam which works the great English and American parties. Nothing holds men so close together as the presence of antagonists strong enough to be worth defeating, and not so strong as to be invincible. This is why a party can retain its continuity while

forgetting or changing its doctrines and seeing its old leaders disappear. New members and new leaders, as they come in, imbibe the spirit and are permeated by the traditions which the party has formed. It is pleasant to tread in the steps of those who have gone before, and associate one's self with their fame. Life becomes more interesting when each talks to each of how the opposite party must be outgeneralled, and more exciting when the day of an electoral contest arrives. Though a certain set of views may have been the old basis of a party, and be still inscribed on its banner, the views count for less than do the fighting traditions, the attachment to its name, the inextinguishable pleasure in working together, even if the object sought be little more than the maintenance of the organization itself." [1]

(5) The immediate end sought by a political party is the control of the government through the carrying of elections and the possession of office. Control of the government means "the power to make and administer law, to levy, collect, and expend public revenues, to undertake and carry on public works, to hold the stewardship of public property, to grant public franchises, to fill public offices, to distribute public employments—to be, in fact, for a given term, *the public* of cities, of states, and of the great nation, in all the handling of their stupendous corporate affairs." [2]

Parties Seek to Control the Government.

This object of party activity is uppermost in the thought of the average party worker and manager; its achievement is the ambition of every politician. In bending his energies in this direction principles and policies appear insignificant or are quite forgotten; for this, however, the party worker should not be too severely condemned. Few, indeed, of the so-called intelligent citizens, who would not stoop to engage in "practical" politics, when asked to state the principles or policies of their party, are able to give a satisfactory reply. Widespread party

[1] J. Bryce, *Modern Democracies*, I, 127.

[2] J. N. Larned, "A Criticism of Two-Party Politics," *Atlantic Monthly*, CVII, 291 (1911).

enthusiasm over principles is manifested occasionally, but as a rule the party organization, and especially the immediate circle of party managers, regard the acquisition and control of offices as of greater importance. And this is by no means to be wholly deplored or reprobated; for the control of the government through elections and offices affords practically the only opportunity by which a party may exemplify its principles and apply its policies in the administration of public affairs. It is, therefore, essential that a party should devote a large part of its energy to this too-often-despised work of "practical" politics.

Having thus briefly reviewed the essential characteristics of political parties, we are in a position to formulate the following working definition: a political party is a durable organization of individuals, or groups of individuals, fluctuating in personnel and numbers, united by common principles or a common policy, and having for its immediate end the control of the government through the carrying of elections and the possession of office.[1] "As regards the territorial extent of their operation and influence, political parties may be purely local and sectional, or truly national in character. And as to their duration, they may be either temporary and transient, or enduring, depending on the questions involved, the nature of the views entertained, and the historical circumstances associated with their expression."

Definition of Party.

Political parties exist under all forms of popular government; and everywhere their genesis is to be found in the inability of all people to think alike; more specifically, in the inability of all people to agree upon what the government should be or do. Those who find themselves in substantial agreement on these matters, sooner or later come together and arrive at some sort of an organization in order to work more effectively for the realization of their common ob-

Universality of Parties.

[1] A. D. Morse, *Pol. Sci. Quar.*, XI, 68 (1896). The following is also a good definition of a political party: "A political party is an association of voters believing in certain principles of government, formed to urge the adoption and execution of such principles in governmental affairs through officers of like beliefs." *Am. Pol. Sci. Rev.*, X, 367 (1916).

jective. Parties are in some degree an index of the political capacity and genius of a nation, and have sprung into existence wherever an active life of the people and of the state has been developed. The most gifted and the freest nations politically are those that have the most sharply defined parties. Wherever, on the other hand, political parties are non-existent, one is apt to find either a passive indifference to all public concerns, born of ignorance and incapacity, or else one finds the presence of a tyrannical and despotic form of government, suppressing the common manifestations of opinion and aspiration on the part of the people.[1] Organized, drilled, and disciplined parties, if not the only means, are at any rate the chief agencies we have yet discovered by which to secure responsible government, and thus to execute the popular will.

Criticism of Parties.

There are people, however, who from time to time have deplored the existence of political parties, and in so doing have urged rather plausible objections to their existence. Why, they have argued, should administrative officials whose work has nothing to do with the things for which their political parties stand, be taken largely, if not wholly, from one political party? The man with the fullest knowledge of foreign relations, of national finance, of foreign or domestic commerce, of educational or industrial problems, may belong to the minority. Why should his abilities be lost to the government? Why make so many public questions subjects of partisan controversy? "What is the sense of setting up one group of men to introduce legislation and handle administrative problems, and of setting up a second set to harass and trip up the former, opposing their proposals and hampering their executive action?" It has also been said that the party system encourages hollowness and insincerity. "The two great American parties, have been compared to empty bottles into which any liquor might be poured, so long as the labels were retained. Party divides not only the legislature but the nation into hostile camps, and presents it to foreign states as so divided. It substitutes passion and bitterness for a common

[1] J. C. Bluntschli, in Lalor, III, 95.

patriotism, prejudices men's minds, makes each side suspect the proposals of the other, prevents a fair consideration of each issue upon its merits, enslaves representatives and discourages independent thought in the party as a whole. . . . It prompts each party to make promises and put forward plans whose aim is not to benefit the country but to attract popular support. When one party plays this game, the other party has to follow suit with another and, if possible, more attractive programme." [1] Lastly, party spirit has been accused of debasing the moral standards, because it judges everything from the standpoint of party interest. "Even if the heads of a party organization are discovered to have been using their power for selfish—perhaps for sordid—purposes, the party tries to shield them from exposure; and it may accept the tainted aid of rich men seeking their own private gains. In one way or another, the sentiment of party solidarity supersedes the duty which the citizen owes to the state, and becomes a weapon in the hands of an unscrupulous chief who can lead the party to victory. Party spirit will always be an instrument on which personal ambition can play." [2]

Indeed, one is obliged to concede that political parties have been responsible for much evil, and that "history is full of the mischiefs wrought by the party spirit." Nevertheless, parties are powerful forces for good in a democracy. They educate and organize public opinion by keeping the people fully informed in regard to public matters; by discussing, freely and thoroughly, every public question in the presence of the people; by discussing these questions in the light of great principles of government and human welfare; and by securing not only discussion *before* the people but, what is quite as important, discussion *by* the people. In such vast populations as those of the United States, France, or England, parties "bring order out of the chaos of the multitude of voters." Were it not for their presence, by whom would public opinion be roused and educated and directed to certain specific purposes?

Value of Parties.

[1] J. Bryce, *Modern Democracies*, I, 131–132.
[2] *Ibid.*, 132–133.

"Each party, no doubt, tries to present its own side of the case for or against any doctrine or proposal, but the public can not help learning something about the other side also, for even party spirit cannot separate the nation into water-tight compartments; and the most artful or prejudiced party spell-binder or newspaper has to recognize the existence of the arguments they are trying to refute. Thus party strife is a sort of education for those willing to receive instruction, and something soaks through even into the less interested or thoughtful electors. The parties keep a nation's mind alive, as the rise and fall of the sweeping tide freshen the water of long ocean inlets. Discussion within each party, culminating before elections in the adoption of a platform, brings certain issues to the front, defines them, expresses them in formulas which, even if tricky and delusive, fix men's minds on certain points, concentrating attention and inviting criticism. So few people think seriously and steadily upon any subject outside the range of their own business interests that public opinion might be vague and ineffective if the party searchlight were not constantly turned on." [1] Parties perform perhaps their highest and most legitimate function when they serve as agencies for the application of social, economic, and moral principles to the life of the people; and without such organized political action, there can be little real improvement of social and industrial conditions or vital changes in government itself.

Peculiar Importance of American Parties.

In our own country political parties occupy a position of fundamental importance. They have become so indispensable that it is hard to conceive of the possibility of getting along without them. "It is easier to imagine the demolition of any part of our constitutional organization, the submersion of a large part of what the Constitution describes, than to imagine our getting along without political combinations; they are our vital institutions; they abide in the innermost spirit of the people." [2] The na-

[1] J. Bryce, *Modern Democracies*, I, 134–135. On the value of party discipline in a legislature, see *ibid.*, I, 135–138.

[2] A. C. McLaughlin, *Atlantic Monthly*, CI, 145 (1908).

tional and state constitutions, together with the statutes amplifying them, created inert pieces of governmental machinery; the motive power for running this machinery and the lubricant which keeps its different parts operating with a fair degree of smoothness are furnished by our great political parties.[1] For some of the most important and far-reaching changes in our governmental system, parties, rather than formal constitutional amendments or statutory enactments, have been responsible. For illustrations, one needs but to recall the way in which the original purpose of the electoral college has been completely transformed by the rise of political organizations, the added importance attaching to the office of president by reason of his being the leader of his party, and the fact that the existence of rival parties imparts character and color to the whole organization and procedure not only of our national law-making body but also, in a very large degree, of our state legislatures and many municipal councils as well. And by no means the least important service rendered by our political parties has been their nationalizing influence. They have done much to unify the people of the United States and make them homogeneous; they have "brought city and country, rich and poor, native and Old World immigrant, into a common allegiance which has helped them to know, and taught them to co-operate with, one another."[2] Finally, our political parties constitute almost the only legitimate channel through which the ordinary private citizen can exert a *direct* influence in the formulation of public policy and in the execution of that policy when enacted into law. His most direct and vital point of contact with his government occurs at the ballot box, when he votes for the candidates of one party or another for national, state, or local offices.

One must guard, however, against the tendency to look upon political parties as the *only* formulators of public policy. During

[1] See F. J. Goodnow, *Politics and Administration*, 133–137, 145–147; and J. Bryce, *The American Commonwealth* (4th ed., 1910), II, Ch. LIII.

[2] See A. Johnson, "The Nationalizing Influence of Party," *Yale Review*, XV, 283 (1906–1907); F. J. Turner, "Sections and Nation," *ibid*, XII, 1–21 (1922).

Importance of Non-Partisan Organizations.

the past decade or two, many of the most important public measures, both national and state, have been initiated and promoted by well-organized, well-financed, well-led, and aggressive groups organized wholly outside of the political parties, although working through them for the attainment of their ends. One has only to mention the adoption of the recent Prohibition and Woman Suffrage Amendments to the federal Constitution, and state and national legislation for the benefit of the commercial, manufacturing, agricultural, and wage-earning classes, to bring vividly to mind the multiform activities of such non-partisan organizations as the Anti-Saloon League, the National American Woman Suffrage Association, the League of Women Voters, the Chamber of Commerce of the United States, the National Association of Manufacturers, the National Farm Bureau, and the American Federation of Labor; and this list might be greatly extended. Such organizations furnish strong competition for, and are formidable rivals of, the regular political parties, and the latter have been compelled to heed their respective demands from time to time. Furthermore, in many urban communities, especially where non-partisan elections prevail, civic organizations not infrequently practically take over the functions of the political parties so far as the shaping of local public policy is concerned.[1]

Governmental Regulation of Parties.

Essential as political parties are to the successful working of our system of government, they grew to maturity and power as institutions wholly unknown to, or ignored by, the law; for, despite their fundamental importance, not a word is said about them in the national Constitution, and very little in the state constitutions. Like the English Cabinet, they have been, until very recently, not only extra-constitutional, but also extra-legal institutions. Nearly a century and a quarter elapsed before Congress in 1907 enacted the first law regulating party activities; and for nearly a hundred years there was very little state legislation on the subject. Practically the whole of the great mass of laws now on the

[1] See C. E. Merriam, *The American Party System*, 222–225.

statute-book relating to political parties has been enacted within the life-time of men now living. Such enactments constitute a tardy recognition of the fact that political parties are no longer to be regarded as irresponsible private associations but as public institutions of fundamental importance, whose organization and activities may properly be made the subject of governmental regulation. One of the chief problems of self-government at the present time is how to control in the public interest these great institutions which in fact manage the government. The various forms which governmental regulation of parties has assumed will appear at appropriate points in the succeeding chapters.

QUESTIONS AND TOPICS[1]

1. Collect, compare, and criticise the different definitions of a political party.

2. How did the framers of the Constitution, especially Washington, regard political parties? (See *The Federalist* and Washington's "Farewell Address.")

3. In what sense is the statement true that, in its actual operation, our federal government is "more democratic than the Constitution"?

4. Prepare an account of any recent factional party struggle in your own state. (Consult newspaper files and indexes to current literature.)

5. Give specific illustrations of how geographical sections, rival leaders, and conflicting economic interests have divided both the Republican and Democratic parties in the last decade.

6. The free silver movement within the Democratic and Republican parties, 1890–96.

7. The "Insurgent," or "Progressive," movement in the Republican party.

8. The political party as a nationalizing influence. (See Johnson, Turner, Wilson.)

9. Give a summary of the attempts to subject political parties to legal control. (See Beard, Merriam, Ogg and Ray.)

10. Explain how the traditional political theory respecting the independence of the three departments of the federal government has been transformed in actual practice by the development of political parties. (See Beard, Bryce, Goodnow.)

[1] A bibliography for each chapter will be found in the appendix.

11. A brief description of political parties in each of the following countries: England, France, the German Empire, Switzerland, Japan, Canada, and Australia.

12. Is sectionalism disappearing from American politics? (See Robinson, Turner.)

13. The agricultural "bloc" in Congress, 1922–23. (See Barnes, Capper.)

CHAPTER II

MAJOR PARTIES. DEMOCRATIC AND REPUBLICAN PLATFORMS

National Parties. "Major" Parties. "Minor" Parties.

National parties, as distinguished from state or local parties, are those which nominate candidates for president and vice-president, and conduct active operations in a number of states if not throughout the entire country. In the last four presidential campaigns not less than six national parties have been in the field appealing for the support of the American voters. In 1920, these parties were the Republican, the Democratic, the Socialist, the Farmer-Labor, the Prohibitionist, the Socialist-Labor, and the Single-Tax party. The first two are commonly called the "great" parties, or the "major" parties, and all the rest "minor" or "third" parties. This distinction is justified by the fact that the Republican and Democratic parties are co-extensive with the Union, being found in every state, in practically every part of every state, and also in the territories and dependencies. The minor parties, on the other hand, although they may have a permanent organization in many states, do not attempt to maintain one in every state; neither do they contest every election even where they have an organization.

The "Two-Party" System.

However the party affiliations of individual citizens may be determined—whether by study and deliberation or merely by inheritance or the influence of environment—most American voters have been found supporting the two major parties that have occupied the centre of the political stage throughout most of the period since the adoption of the Constitution. This two-party system, as it is called, is a distinguishing characteristic of the politics of the United States and of all other English-speaking countries, and is found practically nowhere else. We began our history under the Constitution with the Federalist and Jeffersonian-

Republican parties; then followed a period in which most voters were either Whigs or Democrats; and since the Civil War, the great majority of voters have called themselves Republicans or Democrats, at any rate, have voted for the candidates presented by one or the other of these parties. This dominating position of two leading parties in American politics serves as a convenient basis for dividing the political history of the country into half a dozen fairly distinct periods, namely, (1) the period of Federalist supremacy (1789–1800); (2) the period of Jeffersonian-Republican supremacy (1801–1816); (3) the period of "personal politics" (1816–1832); (4) the period of Democratic and Whig rivalry (1832–1860); (5) the period of Republican supremacy (1860–1884); and (6) the period of Democratic and Republican rivalry, since 1884.[1] In this last period the Democratic party has been in control of the national administration for sixteen years altogether, and the Republicans for upward of twenty-four years.

Periods of Party History.

Each national party, at the beginning of a presidential campaign, issues an address or appeal to the public, called a platform. Prior to 1832 there was no such thing as a national party platform. The principles or policies of a party were gathered from more or less formal letters written by the candidates themselves, or from resolutions adopted by state legislatures or miscellaneous political gatherings in different parts of the country. In May, 1832, however, a Young Men's National Republican Convention, meeting in Washington, adopted a series of ten resolutions embodying the principles of what was soon to be called the Whig party.[2] This was the first formal platform of a national political party in this country. The present custom, however, of having the party platform formulated and adopted in a national nominat-

Platforms: 1. Origin.

[1] These dates are not, of course, to be taken as rigidly marking the limits of the periods named, for each period shaded off gradually into the succeeding period.

[2] These resolutions are printed in full in E. Stanwood, *A History of the Presidency*, I, 158–159 (1906–1916).

ing convention dates from the adoption of the Democratic platform by the national convention of that party in 1840.

In recent years the party platform has contained a statement in more or less detail of the principles or policies for which the party stands. Each major party platform also includes an arraignment of the character, professions, and party record of the principal rival party; and the platforms of the minor parties frequently direct similar attacks against both of the major parties. This has been an especially prominent feature of the Democratic platforms since the Civil War, inasmuch as during more than twenty years of that period the Democrats have been the party of the opposition, that is, not in control of the national administration. It is but natural that any party which holds such a position should seek to magnify the weakness and mistakes of the party in power; and the same feature has characterized the Republican platforms whenever that party has been in opposition, as in 1916 and 1920. An equally prominent feature of the platform of the dominant party for the time being has been the vigorous defence of the record of the party while in power, and the degree of self-laudation expressed therein. One has only to glance at the Republican and Democratic platforms of 1924, printed in the appendix, to see conspicuous illustrations of each of the foregoing characteristics. These two platforms will likewise afford illustrations of another striking feature in major party platforms, namely, the sometimes clear and explicit, and at other times ambiguous or evasive, declarations called "planks," relating to specific public questions. If the party is united upon a certain policy, the "plank" of the platform which relates to it will be clearly and positively phrased. If, on the other hand, there is a sharp difference of opinion within the party, especially between geographical sections of the party, the framers of the platform often adopt an ambiguous or non-committal plank upon that particular subject. This is sometimes so worded as to meet the approval of one section, if construed or emphasized in one way; while, at the same time, it may be susceptible to an entirely different emphasis or interpretation rendering it

2. Contents.

satisfactory to another section. This device is commonly called "straddling." A notable instance occurred in the declarations of both the Democratic and Republican platforms in 1892 concerning the free-silver issue: one part of the currency plank placated the silver men of the West, while another part reassured the gold men of the East. This peculiarity of party platforms is often criticized as though it betokened insincerity and a purpose to deceive. But it should not be forgotten that the difficulties which confront platform-makers in our major parties are very great. With millions of voters representing every race and creed, and also various, if not conflicting, economic interests, it is becoming increasingly difficult to draft a platform which will be acceptable to all elements in the party. When to this is added the fact that the number of subjects with which government deals has enormously increased in recent decades, it is easier to appreciate the difficulty, if not the impossibility, of formulating a definite programme upon which all groups within the party can stand. The manner in which the Republicans attempted to solve this problem in 1920 will be explained presently.

"Straddling" Planks.

The effect of an ambiguous or straddling plank in a platform is not infrequently reversed or radically modified by some positive action or formal utterance on the part of the presidential candidate of the party. An instance of this occurred in the case of Judge Parker's telegram to the Democratic convention in St. Louis in 1904 regarding the currency issue. Another instance occurred in 1908 in connection with the injunction and tariff planks of the Republican platform. Although declaring explicitly for a revision of the tariff, the platform did not state definitely whether the revision was to be upward or downward. The general public preferred to interpret it to mean downward revision, but feared some treachery at the hands of the politicians who favored a high tariff. Hence in his campaign speeches, Mr. Taft, the nominee, did what he could to remove any uncertainty as to the real meaning of the platform by emphatically declaring that he understood it to mean revision downward, as

Platforms Clarified or Reinforced by Candidates.

the public appeared to desire. In a similar manner he made clear and definite his views upon the subject of injunctions.[1] In 1916 the Republican platform spoke with some uncertainty upon the woman-suffrage issue; but Mr. Hughes soon came forward with an unequivocal declaration favoring the adoption of a suffrage amendment to the federal Constitution.

These illustrations serve to bring out another important fact in present-day national politics. The letter or speech of a candidate accepting the nomination for the presidency has come to be regarded as of equal importance with the party platform, if not of even greater importance. In the letter or speech of acceptance the candidate states his opinions and views on the great questions of the day, and these expressions have come to be regarded as the legitimate creed of the party. "Whether the president will keep the promises of the candidate, or not, in any event you hear not the manufactured voice of a machine, but the living accents of a man whose personality marks him out and lays him open to responsibility."

Letters or Speeches of Acceptance.

The platform of a national party is framed by the committee on resolutions at the national convention of the party at which candidates are nominated for president and vice-president and is formally adopted by the convention before it adjourns. This committee on resolutions consists of one member from each state represented in the convention. Thus all shades of opinion are likely to be represented. The platform is rarely, if ever, left to be drafted on the spur of the moment amid the extraordinary excitement which usually attends a national convention. It is customary for some one, designated by those most concerned, to bring to the convention a preliminary draft of a platform carefully prepared beforehand and inspected as to its more important planks by those best entitled to express an opinion. This draft, as a rule, forms the basis of discussion in the meetings of the subcommittee on resolutions and afterward of the full committee.

Method of Framing and Adopting Platforms.

[1] See summary of Mr. Taft's speech of acceptance, *Outlook*, LXXXIX, 775, 786 (1908), and *Independent*, LXV, 330 (1908).

In 1908, for example, the draft of the Republican platform was prepared and brought to the convention by Mr. Wade Ellis, assistant attorney-general of the United States.

In framing its platform, the party in power is apt to be guided in a very large measure by the personal views and wishes of the president, especially if he is about to be re-nominated. This was clearly seen in the case of the Democratic platform of 1916 and the Republican platform of 1924. Even when the president may not be a candidate for renomination himself, but is working for the nomination of his personal choice, he is also likely to have a large hand in shaping his party's platform, as happened in 1908 when President Roosevelt brought about the nomination of Mr. Taft by the Republicans. Similarly, the views of any individual whose nomination has become practically a certainty are known to the committee on resolutions and frequently have a decisive influence on the final form of at least the most important parts of the platform.[1]

Presidential Influence.

In preparation for the national convention of 1920, the Republican national committee adopted an important innovation in connection with the party platform. In order that it might embody a definite and constructive programme, an Advisory Committee on Policies and Platform was appointed to make a survey of existing conditions, and to study pertinent facts and constructive suggestions from those who think seriously about, and know the needs of, the country. This committee consisted of 178 members, and included the chairman of the national committee, 12 other members of that committee, and a large number of men and women, both public officials and private citizens; so that the body probably was fairly representative of practically all shades of opinion within the party.

Republican Advisory Committee, 1920.

The Advisory Committee was divided into nearly a score of

[1] For interesting accounts of McKinley's attitude toward the currency plank in the Republican platform of 1896, see H. Croly, *Marcus Alonzo Hanna* (1912), Ch. XV; and for a different version, H. H. Kohlsaat, *From McKinley to Harding* (1923), Chs. VIII–X.

sub-committees which dealt with agricultural policies, civil service retirements, conservation and waterways, currency and banking, limitations on federal and state control and regulation, high cost of living, immigration, industrial relations, insular possessions, international trade and credits, law and order, the merchant marine, national economy, postal service, railroads, social problems, taxation, and war-risk insurance.

These committees investigated existing conditions affecting specific problems that would have to be considered by the national convention, gathered facts and data, invited a full expression of opinion of leading Republicans; and submitted their recommendations and the material collected to the committee on resolutions when the national convention assembled. The Advisory Committee did not attempt to draft a platform nor to commit the party to any particular policy; it was rather to expedite and make easier and more scientific and practical the decisions of the committee on resolutions and the convention.

Function and Methods.

A small executive committee and a staff of fifteen specialists, mostly university men of standing and reputation, determined the method by which these investigations were carried on. Questionnaires were formulated to furnish an outline of the information desired on twelve of the most important topics, and about 100,000 copies of these questionnaires were sent out to selected lists of men and women interested in the respective topics and representing all sections of the country, and all shades of public opinion.[1] The information thus obtained was submitted to the committee on resolutions of the convention in the form of reports of the various sub-committees.[2] A careful comparison of the final draft of the platform with the reports of these sub-committees indicates that extensive use was made of this material by the committee on resolutions in whipping the platform into final shape. The services of the Advisory

[1] These questionnaires were afterward published by the national committee in the form of a booklet of nearly fifty pages. (N. Y., 1920.)

[2] These reports were afterward published in book form. (New York, 1920).

Committee were so highly appreciated that the convention unanimously adopted a resolution approving the new and constructive departure, and authorizing and directing the national committee to provide for a similar agency for collecting and compiling material for the assistance of the committee on resolutions in 1924.[1]

The meetings of the committee on resolutions sometimes develop into bitter and prolonged contests between different factions or interests favoring or opposing declarations upon certain subjects. A case in point occurred at the Democratic convention in 1904, over the currency question, and again at both the Republican and Democratic conventions in 1908, over the labor and injunction planks. In 1920 the platform committees of both parties had serious trouble in agreeing upon planks relating to the League of Nations, national prohibition, and the movement for the independence of Ireland. But far more prolonged and acrimonious was the strife in the Democratic committee in 1924 over the plank relating to the Ku Klux Klan.

"Majority" and "Minority" Platform Drafts.

Not infrequently the committee on resolutions finds itself unable to agree upon a platform. In such an event it is customary for those in the majority in the committee to present what is called the "majority report," while the minority of the committee present their views at the same time in a "minority report." This virtually transfers the contest from the committee room to the floor of the convention. Many an exciting scene has followed the presentation of majority and minority reports, especially where the division of opinion is acute and very close, notably in the Democratic convention of 1860. A less conspicuous instance occurred in 1908 when a minority report, written

[1] *Republican Campaign Text-book*, 1920, pp. 482–485. The action taken by the national committee in December, 1923, however, was only a partial compliance with these instructions. A Committee on Policies and Platform was appointed, consisting of 23 national committeemen, Mr. Raymond Robins, Mr. C. H. Huston, and 23 women, each representing a single state. The work done by this committee appears to have been insignificant and unimportant, at least in comparison with that of the Advisory Committee in 1920. See S. M. Lindsay, *Rev. of Rev.*, LXX, 193–194 (1924).

by Senator La Follette, was presented to the Republican convention by Congressman Cooper, of Wisconsin. In the Democratic convention of 1924 a minority report was presented to the convention by those who favored a more emphatic endorsement of the League of Nations than was contained in the majority report. After a stirring debate, the minority recommendation was rejected by a vote of more than two to one. This was followed by a bitter fight over the Ku Klux Klan plank. The majority of the committee on resolutions reported a plank which, while condemning all such organizations, did not mention any by name. On the floor of the convention the minority on the committee sought to secure the adoption of an amendment to the majority report expressly condemning the Klan. An intensely exciting and tumultuous debate over this proposal ensued, lasting several hours. Finally, amid great confusion, the amendment was declared defeated by four votes.[1]

At times a defeat sustained by a powerful faction under such circumstances has produced a serious split in the party and jeopardized, if not destroyed, its chances of success in the ensuing election; *e. g.*, the Democratic party in 1860, and the Republican and Democratic parties in 1896.

Republican and Democratic Platforms, 1920.

In 1920 the major party platforms were of great length, no less than thirty different subjects being touched upon in both platforms, besides nearly a dozen others which were mentioned in only one or the other. The Democratic platform, adopted a few weeks after that of the Republicans, was phrased in several places as a reply to statements in the Republican platform; and in it appeared the usual emphasis upon what the party claimed to have achieved, and the usual criticism of the Republicans for preventing farther achievements. Similarly, the Republican document embodied the customary denunciation of the party in power which we have come to expect from the party not in control of the national administration. Many differences between the two platforms were merely contradictions

[1] The debate over these two minority reports is given in full in the New York *Times* for June 29, 1924.

as to facts or differences over what is past, rather than disagreement in policy or plans for the future.[1]

1924 Platforms.

In 1924 the Republican and Democratic platforms, although somewhat briefer than in 1920, were no less comprehensive. Over thirty major topics were dealt with in the Republican, and about forty in the Democratic, platform; besides a number of important subjects mentioned in only one or the other. The position of the two parties being reversed, one naturally finds the features just mentioned as appearing in one or the other platform in 1920 appearing in that of the opposing party in 1924. The points of similarity and difference will readily appear from a study of the parallel arrangement printed in the appendix. Suffice it to say here that, both in 1920 and in 1924, these platforms were, in the main, appeals to the confidence of the people in the record and character of the respective parties rather than an appeal to the judgment of the people concerning two sets of political doctrines. In no important respect can they be regarded as embodying fundamental differences as to what the government ought to be or ought to do. An independent newspaper editorial was not far wrong when it characterized one platform as "the most conservative Democratic platform, perhaps in a generation;" and the other as "moderately conservative rather than reactionary, cautiously peering ahead rather than pioneering, static rather than dynamic, and essentially defensive in both a narrow and a broad sense." [2]

Significance of Party Platforms.

It is quite natural to inquire how significant are party platforms, and how much reliance may be placed upon the pledges and other statements which they contain. One is often skeptical about the sincerity of pre-election pledges; it is easy for politicians to promise, whereas fulfillment may be remote and difficult, if not impossible, even when sincerely attempted. In the early days platforms were

[1] These platforms are given in full in the *Campaign Text-Book* of each party; also in the *World Almanac* (1921), and similar publications. See *Outlook*, CXXV, 526–527 (1920), "The Two Platforms." For a brief statement of the inconclusive result of the election of 1920, see Willoughby and Rogers, *An Introduction to the Problem of Government*, 133 *n.* (1921).

[2] Springfield (Mass.) *Republican*, June 13, and 30, 1924.

of the first importance, and diligent attention was given not only to every position advanced but even to the phrase in which it was expressed. It was not long, however, before a change took place which goes far toward justifying the statement that "the sole object of the platform is to catch votes by trading on the credulity of the electors." [1] Even to-day it is not very far from the truth to say that the framers of platforms do not come together to state clearly some great purpose and to consider how best they can present it to the people, and lead them to support it. "On the contrary, their attitude is that of followers, not leaders. They seek to discover what the voters want and promise that, having in view the various bodies of voters whose wishes are often opposed, and trying to attract them all." [2]

Unfortunately there are too many instances when platform pledges seem to have rested very lightly upon the conscience of the average member of Congress or of the state legislature. His estimate of their significance is at once tersely and cynically expressed in the oft-quoted saying that "platforms are good things to get in and out on but not to ride on." Not many years ago only party leaders of conspicuous ability and commanding influence pretended to take platform promises very seriously. Recently, however, there have been many indications that a change for the better has taken place. The conscience of the average law-maker has appeared to be a little more sensitive; he has appeared to feel more responsibility to the public for the faithful execution of the pledges contained in his party's platform.

So far as this change has been reflected in Congress, we have to thank Presidents Roosevelt, Taft, Wilson, and Harding, who have reiterated, in public addresses and in messages to Congress, that party pledges meant something, and are to be taken seriously. Their persistence in driving home this idea has frequently compelled a more or less reluctant majority in Con-

[1] This feeling was evidently shared by the student who wrote in an examination paper: "Really a platform is nothing more than a habit, like the king of England. It is merely a concoction of words that no one takes seriously. Its primary purpose seems to be that of furnishing opposition editors with arguments of reproach when the party gets into office."

[2] M. Storey, *Problems of To-day*, 38.

gress to take the steps necessary to fulfill the promises made in recent campaigns, many of which, it is easy to believe, were originally designed for campaign consumption only.

No general rule, unfortunately, can be laid down for the guidance of the thoughtful and critical citizen in weighing platforms. One must always remember that they are avowedly partisan documents, and do not pretend to be impartial and judicial statements of fact. They must be interpreted in the light of party history and of the character, reputation, and record of the party leaders and the party candidates. In every national election the voter has at least three things to consider: "He must make his choice among rival candidates, among contrary programmes, among embattled parties. He must take into account men, policies, and historical organizations. In most cases his choice will be determined by the third consideration." [1]

Despite their shortcomings, party platforms cannot be entirely ignored; sooner or later they demand and secure attention. A good many people will always consider them binding. The opposing parties always attack them; and those who are responsible for them are also obliged to defend them. In the long run, the platforms always have an appreciable influence on the course of the respective parties. At the very least, it may be said that platforms show what the political leaders think the issues will be, or would like them to be, when the campaign begins.

State Platforms.

In state, as well as national, campaigns party platforms appear and attract some attention, although they exert comparatively slight influence in state elections. The process by which the state platform is adopted is set forth in the election laws of most states. In about half, the platform is formulated and adopted by a state convention, even where the convention system of making nominations has been abandoned. In direct primary states this function is performed by the successful primary candidates, reinforced,

[1] W. G. Brown, "A Defence of American Parties," *Atlantic Monthly*, LXXXVI, 577–589 (1900).

in some instances, by hold-over state officers or by party committeemen.[1]

Whoever may be employed to construct them, these state platforms have the same general characteristics as the national platform, although, naturally, less space is devoted to national topics and greater consideration is given to state issues.[2] Not infrequently the state platform of a party in control of the national government contains some indorsement of the existing national administration. Such indications of approval are eagerly sought in the more important states by the chief supporters of the administration. The introduction and consideration of such expressions of approval afford opportunities to test the strength of the national administration and of the dissident elements within the party in the states concerned. In so far as one state or group of states can be regarded as typical of conditions or sentiment in the country as a whole, these state platform utterances of approval or disapproval, or even their silence with reference to the national administration, are regarded as significant.

QUESTIONS AND TOPICS

1. In what sense is it correct to say that Thomas Jefferson and Andrew Jackson were the founders of the present Democratic party?

2. An account of the origin of the present Republican party.

3. The variations in the official name of the present Republican party, 1860–1868, and the reasons. (See Dunning.)

4. From a careful study of the platforms of the old Whig party, make a summary of the principles or policies of that party. Also compare this summary with the first platforms of the Republican party, 1856 and 1860. (See Stanwood, and Ormsby's *History of the Whig Party*.)

5. In how many and in what respects did political conditions of 1908–1912 resemble political conditions of 1836–1840?

[1] The different methods are discussed by R. S. Boots, in "Party Platforms in State Politics," *Annals*, CVI, 72–82 (1923).

[2] In recent state platforms the space devoted to matters of national concern varied widely, but tended to form from a third to a half of the entire platform. R. S. Boots, *op. cit.* See also B. Y. Berry, "The Influence of Political Platforms on Legislation in Indiana, 1901–1921," *Am. Pol. Sci. Rev.*, XVII, 51–69 (1923).

6. The chief issues of the campaign of 1916 as presented in the campaign speeches of President Wilson, Mr. Hughes, and Colonel Roosevelt.

7. Recent history of the Republican party in the doubtful Southern states. (See Lissner.)

8. The struggle over the currency question in the Democratic convention of 1904 and Judge Parker's telegram. (See Dennis.)

9. The fight on the labor and injunction planks in the Republican and Democratic conventions of 1908. (See *Rev. of Rev.* and *Charities*, XXI, 419.)

10. Verify or disprove the charge contained in the Democratic platform of 1908 relative to the increase of federal office-holders under recent Republican administrations.

11. What claims in the Democratic platforms of 1916 and 1920, and what criticisms in the Republican platforms, seem to you to be unwarranted or exaggerated?

12. To what extent did the 61st, 62d, 63d, and 64th Congresses fulfill the pledges contained in the Republican platform of 1908 and the Democratic platform of 1912? (See President Taft's letter to Congressman McKinley, and *Outlook*, XCV, 508, and XCVI, 48.)

13. The contests in the state Republican conventions of Ohio, Iowa, Kansas, Minnesota, and New York in 1910 over the indorsement of President Taft's administration.

14. In English and Continental politics, what corresponds to, or takes the place of, the American party platform? (See Lowell's *The Government of England*, and *Government and Parties in Continental Europe*.)

15. Compare the platforms of the Republican or Democratic party between 1856 and 1876 with the platforms of the same party since 1876 for the purpose of showing the relative importance or prominence of economic questions and questions that are primarily of a political nature.

16. Analyze and explain the "New Sectionalism" which appeared in national politics, 1876–1896. (See Haynes.)

17. Compare the principles of the Federalist and Jeffersonian Republican parties. What caused the downfall of the Federalists in 1800?

18. The control of the Democratic party by the slave-holding oligarchy, 1840–1860.

19. The debate in the Democratic convention of 1860 over the Dred-Scott-decision plank.

20. In what sense did the Democratic party claim that the Republican party, 1856–1860, was not a national party?

21. Summarize the important developments in national politics,

1912–1920. (See *American Year Book* and *New International Year Book*.)

22. In what particulars was it true in 1916 and 1920, that "the real issue between the Democratic and Republican parties is determined not by their platforms but by their history"? (See *Outlook*, CXIII, and CXXV.)

23. President Wilson's conduct of our foreign affairs as a campaign issue in 1916.

24. President Wilson, and the second-term plank in the Democratic platform of 1912.

25. President Wilson, the Democratic Congress, and the Panama-tolls clause in the Democratic platform of 1912.

26. Sectionalism as an issue in 1916.

27. The Adamson "Eight-Hour Law" as a campaign issue in 1916.

28. The League of Nations as an issue in the campaign of 1920.

29. Compare the speeches or letters of acceptance of Senator Harding and Governor Cox, in 1920.

30. How is the Republican "landslide" of 1920 to be explained?

31. Describe the various methods by which state party platforms are drawn up and adopted. (See Boots.)

32. What influence, if any, have state party platforms had upon legislation in your own state in recent years? (See Berry.)

33. Compare the treatment of the principal topics in the Republican platform of 1920 with the recommendations of the various sub-committees of the Advisory Committee on Policies and Platform.

34. Report on the work of the Republican Advisory Committee on Policies and Platform in 1924.

35. What demands were made upon the Republican and Democratic platform committees in 1924 by organizations representing the women voters of the country? How did these committees respectively respond to those demands?

36. The controversy over the League of Nations plank in the Democratic convention of 1924.

37. The fight over the Ku Klux Klan in the Democratic convention of 1924.

38. Editorials in the Springfield (Mass.) *Republican* for June 13 and 30, 1924, characterized the Republican platform as "A Defensive Platform," and the Democratic platform as a "We-Want-to-Win" platform. What points in the two platforms justify these characterizations?

CHAPTER III

"THIRD" PARTIES. THE NATIONAL PROGRESSIVE PARTY. SOCIALISM AND THE SOCIALIST PARTY. NON-PARTISAN LEAGUE. FARMER-LABOR PARTY. CONFERENCE FOR PROGRESSIVE POLITICAL ACTION.

The commanding prominence of two great political parties is a distinctive feature of the politics of the United States and Great Britain. So prominent and so firmly intrenched is this "two-party system" that it is customary to refer to all other parties, collectively and severally, as minor or "third" parties. At times minor or third parties have exerted a potent influence upon the political history of this country. As a general rule, however, it has been difficult to induce voters to leave the two great parties which, for the time being, have occupied the foreground, for the sake of voting with a third party. The probability of such a party's carrying a national or even a state election is usually very remote. No third party has risen to a commanding position since the rise of the Republican party over sixty years ago, unless we except the National Progressive party.

Minor Parties.

To organize a new party, national in scope and capable of competing successfully with the two great parties, involves enormous labor and expense, and has appeared more and more hopeless as the country has expanded territorially and increased in population.[1] Republicans and Democrats may be thoroughly disgusted with their own party; nevertheless, they have been content for the most part to vote with it or to vote with the

[1] On these difficulties, see M. Sullivan, "New Parties for Old," *World's Work*, XLIV, 641–647 (1922).

opposition in order to rebuke their own party, choosing for the time being what they regard as the lesser of two evils. It has been difficult and well-nigh impossible to induce them to "throw away" their votes by voting the ticket of a third party. Many even prefer to stay away from the polls. In spite of this, third parties serve an important purpose, though sometimes they are made use of by unscrupulous and designing politicians as a means of corrupt bargaining or trading with the two great parties.

Value of Minor Parties.

Third parties have generally been composed of men of earnest convictions and zealous purposes, and at times they have had a modifying or restraining influence upon the course of one of the old parties. Sometimes they have even sharply turned the course of party history, as did the National Progressive party in 1912. They are often organized and directed by earnest and patriotic men, who, caring little for the causes at issue between the old parties, use a third party as a means for agitation and education, and as a means of enabling a considerable body of political opinion to find rational expression at the ballot-box.

The idea that men must vote with one of two parties is very illogical and at times leads to absurd political inconsistencies. It has led citizens to vote for men whom they did not trust, and to subscribe to principles in which they did not believe. "It is often an obstacle to healthy political education and development. It tends to induce men to subordinate their real convictions to the mere idle purpose of rallying under a traditional party name to carry an election. Rational politics requires that men should stand and vote together for what they think is paramount. To go with a party which the voter thinks is fundamentally wrong, or is headed entirely in the wrong direction, merely because the other party is worse, is not calculated to make for wholesome politics or for the ultimate benefit of the country. Third parties do a great service in enabling voters to stand up for their opinions." [1]

[1] See Woodburn (1914), pp. 206–208; J. N. Larned "A Criticism of Two-Party Politics," *Atlantic Monthly*, CVII, 291 (1911).

The earliest of third parties was the Anti-Masonic party which arose suddenly in 1826 and disappeared within a few years. Then came the Liberty party about 1840, and the Free Soil party in 1848, soon to be followed by the Native American or Know-nothing party of the early fifties. In 1854–56 the present Republican party first appeared as a minor or third party. In 1872 a schism in that party produced the short-lived Liberal Republican movement. The same year saw the formation of the Greenback party, and the birth of the longest-lived of all our third parties, if we except the Republicans, namely, the Prohibition party. The People's, or Populist, party polled 2,000,000 votes in the presidential election of 1892, but has long since disappeared. Of more recent third parties, the most important are the National Progressive party of 1912, the Socialist party, organized about 1897, and the Farmer-Labor party of 1920; each of these deserves more extended comment.

"Third" Party Movements.

Of overshadowing importance has been the movement which resulted in the formation of the National Progressive party in 1912. Although very short-lived, the party left a deep impress on both national and state legislation, and the full effects of the movement upon the history of the country cannot now, even after the lapse of more than a decade, be fully estimated. For upward of five years preceding 1912 there had been two more or less antagonistic groups or factions within the Republican ranks. One element, composed largely of the younger generation of party leaders, and called at first the "insurgents," and later the "progressives," wished to commit the party to a lowering of tariff duties, and to new policies of social and industrial welfare legislation and increased governmental regulation of big business enterprises. This group also favored the newer instruments of democracy, such as the direct primary, popular election of senators, the initiative, the referendum, and the recall. To all of these things the older party leaders—the "standpatters" or "reactionaries," as the progressives called them—were strongly opposed. President Taft's administration, which fell at this

National Progressive Party.

juncture, so far from smoothing out these differences did much to accentuate them.[1]

The attempt of the progressive wing of the party to bring about the renomination of ex-President Roosevelt on a "progressive" platform in 1912 led to one of the longest and most bitterly fought of national-convention contests, in which the Roosevelt forces were beaten and President Taft renominated. Finding conditions in the Republican party intolerable, the progressives created a new organization and called it the National Progressive party. A large and enthusiastic national convention of those in sympathy with the new movement, held in Chicago in August, 1912, adopted a long, specific, and forward-looking platform of political, social, and economic reforms, and nominated Roosevelt for the presidency and Hiram Johnson of California for the vice-presidency. In the election that followed, Roosevelt received over 4,000,000 popular votes, and 88 electoral votes, while the regular Republican nominee received almost three-quarters of a million fewer popular votes, and only 8 electoral votes. This Republican débacle enabled Woodrow Wilson, the Democratic nominee, to win, although his popular vote fell more than a million short of the combined Progressive and Republican vote.[2]

Reunion of Progressives and Republicans, 1912–1916.

During the four years following the presidential campaign of 1912, the National Progressive party maintained strong national and state organizations, and was such a potent force in state and local elections that many of the legislative measures advocated in its platform of 1912 were incorporated in federal and state laws. The congressional and state elections occurring in 1914 and 1915, however, revealed a marked tendency on the part of Progressives to support Republican candidates and to

[1] The beginnings of the progressive movement are lucidly set forth by J. P. Dolliver, "The Forward Movement in the Republican Party," *Outlook*, XCVI, 161–172 (1910): F. A. Ogg, *National Progress, 1907-1917*, Chs. X–XI; and by C. A. Beard, *Contemporary American History*, Chs. XI–XIII.

[2] The text of the National Progressive platform of 1912 may be found in full in the *World Almanac*, 1913. It is summarized in *Outlook*, CI, 869 (1912), and in former editions of this text-book, Ch. III.

give up their independent party organization. This was due largely to the fact that Republican leaders, chastened by the defeat of 1912, gave unmistakable signs of a desire to win back the Progressives and consequently exhibited a spirit of conciliation and concession. This, together with the appearance of new issues growing out of the European war and the Mexican complications, epitomized in the popular phrases "Americanism" and "Preparedness," as well as a common dissatisfaction with the administration of President Wilson, seemed to make it comparatively easy for the greater portion of the Republicans and Progressives to forget their old animosities and to join forces once more as Republicans in order to prevent, if possible, the return of the Democratic party to power in 1916.

Radical Progressives Rejected Mr. Hughes.

Consequently, when the Progressive and Republican national conventions of 1916 found themselves in substantial harmony respecting these and most other issues, and foresaw inevitable defeat for both parties if they continued to be divided, Colonel Roosevelt declined the Progressive nomination for the presidency and advised all Progressives to unite in support of Mr. Hughes, the Republican nominee. This reunion was resisted by a small minority of the more radical members of the party, but apparently met with the approval of the great majority, at least in the early part of the campaign of 1916. The irreconcilables protested this amalgamation and declared that they would maintain a separate ticket in the ensuing election, headed solely by the party's nominee for the vice-presidency, Colonel John M. Parker of Louisiana. As the campaign progressed not a few of the former Progressive leaders, including Colonel Parker, came out openly in support of the Democratic candidate. The election returns in November indicated that this dissident element in the Progressive party was more numerous than had been supposed, that the schism of 1912 had been only partially healed, and that thousands of former Progressives, especially in Western states, preferred President Wilson to Mr. Hughes, whom they distrusted, in part at least because of his apparently close affiliation with the conservative wing of the Republican party. There probably has been no presidential election since

the Civil War in which there was such a large amount of split-ticket or independent voting as in that of 1916. Evidently one permanent result of the party revolution of 1912 was to release from their former allegiance to the Republican party a large mass of voters upon whom party ties rest lightly, and who must be reckoned with as "independents" in future campaigns.

Growth of the Socialist Party.

Before the appearance of the National Progressive party, the Socialist party could, by reason of its growth and distinctive doctrines, be fairly regarded as the most important of recent minor parties. Its rapid accession of voters had made it a factor to be reckoned with in state and local elections in some sections of the country; and in national politics also it had been rapidly acquiring strength, as will appear from the following table showing the *combined* [1] Socialist vote in recent presidential campaigns:

	VOTE	INCREASE	PER CENT GAIN OR LOSS
1892	21,164		
1896	36,274	15,110	71.4
1900	127,553	91,279	248.8
1904	433,537	305,984	239
1908	463,800	30,337	7
1912	927,180	463,380	100
1916	598,516	328,664	35.4—
1920	950,974	352,458	58.8

The Principles of Socialism.

The principles and organization of a political party which has been growing so rapidly deserve detailed consideration by all students of American politics.

It is difficult to define either Socialism or a Socialist. There are different brands of Socialism and different varieties of Socialists. Some Socialists are radical, while others are conservative; some emphasize one set of principles and *modus operandi*, while others lay stress upon other principles and a differ-

[1] By "combined" vote is meant the total vote of the Social Democrat party and the Socialist Labor party. In the presidential elections of 1904 and 1912, every state recorded at least a few votes for the Socialist ticket, while in 1908 only two states failed to do so. The states with the highest Socialist vote in 1920 were New York, 203,301; Wisconsin, 85,041; Illinois,

ent programme. Volume after volume has been written upon Socialism and Socialists by both friends and critics, and from such varying points of view that the average student is quite bewildered. To add to his confusion, he finds the ultra-conservatives in both great parties stigmatizing as *socialistic* certain reforms which they regard as too radical although advocated by members of their own party.

In the following discussion of Socialism only a few broad generalizations can be advanced. These are subject to numerous exceptions and variations; but on the whole it is hoped and believed that they do not materially misrepresent the main principles of economic and political Socialism; for Socialism is at one and the same time an economic theory and a programme of political action. One accordingly finds Socialism a proper subject of discussion in text-books on both economics and politics.

As an *economic creed*, Socialism may be said to have two aims, a negative and a positive, each directed primarily to the betterment of the condition of the so-called working or wage-earning classes. Considered with reference to its *negative* side, Socialism appears as a movement of protest against the existing economic order. Socialists teach that society, under the present capitalist and wage system, is divided into two great economic classes. One of these classes includes a comparatively small body of men, the capitalists, who own substantially all the tools and implements of industry by means of which wealth is created. This class very largely, if not wholly, determines the conditions under which labor is carried on and the wages which the workers shall receive. The other and vastly greater class consists of the employees or wage-earners who do practically all the work of creating wealth with these tools and implements of industry.

Economic Creed of Socialism: *Negative* Side.

74,747; Pennsylvania, 70,021; California, 64,070; Ohio, 57,147; and Minnesota, 56,106.

The total number of Socialists reported as holding office in 1916 was 300; including one representative in Congress, 16 members of state legislatures in five states, 24 mayors, 207 members of city councils, and 52 holding other municipal offices. *American Year Book*, 1916, p. 411.

Against this division of society and the consequences flowing from it Socialism brings its indictment.[1]

The Socialist protests (1) against the exploitation of the wage-earner by the capitalists. By this the Socialist means to say that the wage-earners as a class are universally getting less for their services than they are really worth, while the capitalist profits thereby unreasonably and unjustly. This exploitation is regarded as an inevitable result of the private ownership of the means of the production and distribution of wealth.

Socialists protest (2) that the present economic régime permits the growth of private monopolies and offers no effective means of checking them. This is another inevitable result of the private ownership of natural resources and the means of production.

The Socialist sees (3) only chaos in the present arrangement of society and the lack of any plan for the constructive development of all its parts. The world appears as a bundle of contradictions to the Socialist. Wherever he looks he sees good and bad, abundance and scarcity, the greatest extremes of wealth and poverty. "Whatever happens to be seems to him but the result of blind chance."

Socialists protest (4) against the wastefulness of the present economic system. For competition, which is uneconomical, they would substitute co-operation, which makes for economy. Under the competitive system much is done in duplicate and triplicate that could just as well be done once under a system of co-operation.

Finally, Socialists protest (5) against the essentially evil nature of competition, which seems to call out all the bad in human nature and to suppress much that is good. "To beat their competitors and make a profit, men adulterate food, employ child labor, violate factory inspection laws, and pay low wages." [2]

Expressed in other words, Socialism, on its negative side, seeks the abolition of those fundamental features of the present economic order which seem to justify its indictment, namely,

[1] *Outlook*, LXXXIV, 10 (1906); *ibid.*, XCV, 831 (1910).
[2] Nearing and Watson, *Economics*, 470.

the capitalist class, the wage system, the private ownership of land and natural resources, and private ownership of the tools, implements, or machinery by which wealth is created. Some Socialists would go so far as to do away with all private ownership of property. The more moderate Socialists would not totally abolish private property, but would merely confine it to things which minister directly to the satisfaction of human wants, as, for example, houses, clothes, food, and the like.

The *Positive* Side.

But Socialism is more than a protest against the existing order. It has also a *positive* aim and a programme for the economic reconstruction of society. Having abolished the institution of private property, the Socialist believes that a general amelioration of society would take place if the entire ownership of land and the instruments used in producing wealth were transferred to the state or to the government as the agent of the state. The state or government would thus become the "director of all industrial undertakings. All business managers and workmen would then become government officials employed in government enterprises. Private initiative and competition in industry would be superseded by state initiative." [1] The details of the conduct of industries would be "intrusted to men who are technically familiar with its processes, precisely as it is now intrusted to managers by the stockholders of a corporation; in short, the whole of industry will represent a giant corporation in which all the citizens are stockholders, and the state will represent a board of directors acting for the whole people." [2]

Concrete Applications of These Principles.

Stated a little more concretely, Socialism means that the city, or county, or state, or the nation, each in its separate sphere, would own "all the trolleys, all the railways, all the factories, all the mines, all the forests; in a word, all these industrial enterprises which are now carried on by groups of men acting together." [3] Our government now owns the post-office, and most governments own the telegraph. "Nearly all," says Professor Ely, "own the

[1] Ibid. [2] E. V. Debs, *Independent*, LXV, 879 (1908).
[3] *Outlook*, XCV, 833 (1910).

wagon roads. Some own the canals and railways. Many governments own factories. Probably every government does at least a little manufacturing. Most governments cultivate forests and some cultivate arable lands. We have only to imagine an extension of what already exists until government enterprise *dominates* in manufactures, mining, transportation, and carries on, in short, most productive enterprises, and we have Socialism pure and simple." [1]

The socialized state would organize and direct this complicated industry as our government now organizes and directs the army, or the post-office, or the construction of the Panama Canal. It would "assign to every one his place in this great industrial organization," and would "take all the proceeds and divide them equitably among all the people." The state would become the employer, for the capitalist would cease to be, and all citizens of the state would be the employees. "Each man's task would be assigned to him by the state, and by the state the hours and conditions of his labor would be determined and his wages allotted." [2]

The Means of Achieving Their Realization.

Regarding the means of realizing these positive aims of Socialism, one group, who may be designated as the revolutionary Socialists, looks forward to a general uprising on the part of the masses, who will first obtain control of the government, then confiscate all land and capital goods, and finally inaugurate the system of state-conducted industry. A second group condemns violent and revolutionary measures and looks forward, instead, to "a gradual transition to Socialism through a step-by-step extension of the functions of government, to be defended, at each stage, not by any preconceived preference for Socialism, but by the exigencies of each situation." Judged by its platforms of 1908 and 1912, the present Socialist party in the United States ought to be placed in this category. Still a third group of Socialists looks for the new system as the result of a

[1] R. T. Ely, *Outlines of Economics* (rev. ed., 1908), 519.
[2] *Outlook*, XCV, 833 (1910).

revolutionary, though entirely voluntary, change approved by all classes because the competitive system will have become intolerable.[1]

Political Socialism.

Acceptance of such an economic creed, in which the government would serve not only as the political but also as the industrial agent of society, seems to lead logically to an active participation in politics. Only thus would it seem that Socialism can hope to realize both its negative and its positive aims. As a political party, therefore, the Socialists seek to obtain the support of a majority of the American voters in order to secure control of the government, national, state, or local. Accomplishing this, the party would be in a position to substitute the Socialist political-economic programme for the present capitalist and wage system. If the more moderate Socialists were in the majority, this change would be effected gradually and doubtless by strictly legal processes. Should the more revolutionary Socialists predominate, the transformation would be more abrupt and would doubtless be accompanied by more or less confiscation and disregard of existing legal rights. Or, failing in their efforts to obtain mastery of the governmental machinery, the Socialists hope to acquire such political strength that one or both great parties, needing and desiring their support, will be willing to concede some or all of the fundamental positions of Socialism and annex, so to speak, at least the substance of its programme of reform under a different name.

Two Socialist Parties in the United States.

In Germany, France, Belgium, and recently in Great Britain, Socialists as a distinct party, or as a potent group within a larger party, have long constituted a political factor of the first importance. In the United States for twenty years preceding the World War there were two Socialist parties, the Socialist Labor party and the Social-Democratic party, usually called merely the Socialist party.

The Socialist Labor party is the older of the two, and for a period of about twenty years, between 1879 and 1899, it was

[1] H. R. Seager, *Introduction to Economics*, 527.

the dominant factor in the Socialist movement in this country.[1]

The Socialist Labor Party.

To-day the party is a mere remnant and plays a negligible part in American politics. Its total vote for president in 1904 was only 31,249, while in 1908 it dwindled to 15,421, although it rose to 29,259 in 1912, and 31,175 in 1920. This party makes its appeal almost exclusively to the working classes. It declared in its platform of 1908 that "man cannot exercise his right of life, liberty, and the pursuit of happiness without the ownership of the land and the tools with which to work. Deprived of these, his life, liberty, and fate fall into the hands of the class that owns these essentials for work and production."[2] A radical appeal was made to the working classes to unite against the property-owning class. The radical character of the party was reflected in its presidential candidate in 1908. The nominee was M. R. Preston, then serving a sentence of twenty-five years in the Nevada State Penitentiary for the murder of an employer committed while Preston was serving as a picket in time of strike. Preston is regarded by the Socialist Labor party as one of its martyrs in its warfare upon capitalism.[3] While declaring war upon the present régime, the Socialist Labor party puts forward no definite programme of reconstruction.

The Social-Democratic party, now called the Socialist party, has been making rapid strides since its organization in 1897. In the presidential election of 1912 it polled nearly a million votes.

The Social-Democratic Party.

The majority of this party, unlike the majority of the Socialist Labor party, seem to entertain moderate rather than radical socialistic views; they are sometimes called opportunists. Nevertheless there is, even within this party, a radical element of considerable strength, which wishes to go further than the moderates in their plans for the overthrow of the old order. In its origin the Socialist party was the result of a fusion of two elements: one an ele-

[1] See M. Hillquit's *History of Socialism in the United States* (1903).

[2] The platforms of both Socialist parties for 1908, 1912, and 1916 may be found in the *World Almanac* and similar publications for 1910, 1913, and 1917, respectively.

[3] *Independent*, LXV, 891 (1908).

ment seceding from the Socialist Labor party, having become dissatisfied with conditions in that party, and the other a new Socialist organization which had grown up outside the ranks of the Socialist Labor party. The person most active in organizing the party and most conspicuous in its subsequent history is Eugene V. Debs.[1]

Membership.

The Socialist party has a well-developed and distinctive organization in a majority of the states. Its nucleus consists of the "enrolled" or dues-paying members, who have signed an application form indorsing the constitution and platform of the party and declaring their severance of all relations with other parties. The number of such members reached its maximum of 105,000 in the summer of 1919. The schism which appeared in the party that year had by 1923 reduced the number of dues-paying members to approximately 15,000, of whom some 10,000 were in the English-speaking branches, and 5,000 in various foreign-language federations. This marked decline in membership is in part the result of the party's attitude toward the World War and the Bolshevist revolution in Russia, to be explained presently.

Socialist Platforms.

Like the major parties, the Socialist party has adopted a platform in every presidential campaign since 1908. This has included not only a statement of the general principles of the party, but also a list of specific economic, political, and social reforms, or "demands," designed to serve as a "working programme" for the guidance of Socialists holding public office. Some of the reforms advocated receive the hearty approval of Republicans and Democrats, and held a conspicuous place in the platform of the National Progressives in 1912. There are other features, however, which meet with very wide disapproval, notably the demand for the abolition of the United States senate, of the veto power of the president, and of the power of the Supreme Court to declare Acts of Congress unconstitutional; and in 1916 appeared an entirely new ground for unfavorable criticism.[2]

[1] Hillquit, *op. cit.*

[2] The platform of 1916 is printed in full in the previous (1917) edition of this book; also in *World Almanac*, 1917, and similar publications.

The most distinctive feature of the platform adopted that year was the emphatic condemnation of the European War then in progress, and the strong opposition expressed "to military preparedness, to any appropriations of men and money for war or militarism," while the present capitalistic system exists. In less than a year after the adoption of this platform, the United States had entered the conflict, and within a few weeks thereafter a special national convention of the Socialist party was held at St. Louis, in April, 1917, attended by about 200 delegates. The chief purpose of this gathering was the consideration of the war crisis, the attitude which the party should take, and the line of activity which it should follow.

Attitude toward the World War.

Under the influence of the pro-German element, the convention adopted a series of declarations prepared by a committee including Victor Berger and Morris Hillquit which. in condensed form, were as follows:

St Louis Resolutions, 1917.

The Socialist party of the United States . . . proclaims unalterable opposition to the war just declared by the government of the United States. . . . We call upon the workers of all countries to refuse to support their governments in their wars. . . . The war of the United States against Germany can not be justified. . . . It is cant and hypocrisy to say that the war is not directed against the German people, but against the Imperial government of Germany. . . . We brand the declaration of war by our government as a crime against the people of the United States and against the nations of the world. In all modern history there has not been a war more unjustifiable than the war in which we are about to engage. . . . We recommend to the workers and pledge ourselves to the following course of action:

Continuous, active, and public opposition to the war. . . . Unyielding opposition to all legislation for military or industrial conscription. Should such conscription be forced upon the people, we pledge ourselves . . . to the support of all mass movements in opposition to conscription. . . . We recommend that the convention instruct our elected representatives in Congress, in state legislatures, and in local bodies to vote against all proposed appropriations or loans for military, naval and other war purposes. . . . We recommend that the convention instruct the National Executive Committee to initiate an organized movement . . . for concerted action along the lines of our programme.

The adoption of these anti-war declarations resulted in the immediate withdrawal from the party of a considerable number of prominent members, notably John Spargo, Charles E. Russell, and Allen L. Benson, presidential candidate in 1916,[1] Apparently, however, this secession was pretty well offset by the new accessions to the party. The average of membership during 1916 was 83,284; for 1917, it was 80,694; and for 1918, it was 74,519. It was also reported in 1917 that the subscriptions to all Socialist newspapers, except those suppressed by the government, increased from 25 to 100 per cent.

Effect on the Party.

Throughout the war the Socialist party held to its position of "continuous, active, and public opposition to the war." Attempts by minority groups to secure a repudiation, or at least a revision or re-statement, of the party position proved futile; in one case the executive committee of the party went so far as to refuse to submit the matter to a referendum of the membership for decision.[2]

The national convention held in New York in May, 1920, was marked by a very intense struggle between the moderates and radicals over the form and content of the platform. The more moderate element succeeded in preventing an indorsement of "the dictatorship of the proletariat" and of the soviet form of government, which the radical sympathizers with the Russian Bolshevists ardently favored. A compromise was finally reached to the effect that the Socialist party of the United States is willing to "federate" with the Bolshevists, but will not submit to dictation from them.

Platform of 1920.

As finally adopted, the platform, after the usual arraignment of capitalism and the major parties, falls into two main divisions dealing with foreign relations and domestic issues, respectively. In the former section, the party declared that it favored (1)

[1] A Social Democratic League was formed by these seceders, which, in 1919, claimed a membership of 1,100. Several of those who withdrew published letters explaining their action. See R. P. Stokes, "A Confession," *Century*, XCV, 457–459 (1918).

[2] See *American Year Book*, 1917, pp. 31–32, 395–396; *ibid.*, 1918, pp. 444–445.

the cancellation of war debts owed to the United States by foreign nations; (2) a liberal extension of credits for rebuilding Europe on the understanding that all war debts between such countries be cancelled; (3) dissolution of "the mischievous organization called the League of Nations," and creation of a more democratic international structure; (4) prompt recognition of the independence of Ireland; (5) restoration of normal relations with Germany, Russia, and Austria.

Under "domestic issues" the party advocated (1) restoration of civil liberties lost during the war; (2) election of federal judges; (3) direct election and the recall of the president and vice-president; (4) selection of the cabinet by Congress; (5) equal suffrage; (6) amendment of the federal Constitution by popular referendum; (7) nationalization of banks, railroads, shipping, mines, oil wells, grain-elevators, packing-houses, and insurance; (8) minimum wages and a shorter work-day; and (9) payment of our internal war debt by a capital levy.[1]

The convention nominated Eugene V. Debs for president, and Seymour Stedman of Chicago for vice-president. In the election of 1920 this ticket polled over 900,000 votes, a gain of more than 50 per cent over the previous presidential election. This large vote, however, was mainly a protest vote, and by no means correctly indicated the real strength of the Socialist party. At the present time, indeed, the Socialist movement in this country is in a badly disrupted and demoralized condition. This is due to the fact that for many years before the World War there had been a radical minority in the party, chafing under the conservatism of the majority; but, on the whole, the moderates had been successful in restraining and compromising with the radicals. The war, and especially the Bolshevist movement in Russia, gave this "left wing" renewed courage and determination to force its convictions upon the party. In view of this general situation and

Socialist Vote, 1920.

Disruption of the Socialist Party.

[1] *Independent*, CII, 284, 288 (1920); *New International Year Book*, 1920, p. 707; *Nation*, CX, 675 (1920); *Current History*, XII, 395 (1920).

[2] See F. E. Haynes, *Social Politics in the United States* (1924), 288 ff.

serious local dissensions in certain states, notably Massachusetts, Michigan, and Ohio, an emergency national convention, attended by representatives of all shades of Socialist opinion, was held in Chicago in September, 1919.

All attempts to compose these family differences proving ineffectual, the left wing, or radicals, seceded from the convention, and then almost immediately split into two factions, one assuming the name, Communist Party, and the other, the Communist Labor Party.[1] For a short time, there were thus four rival Socialist, or near-socialist, parties or groups; but about a year later, a union of the Communist factions was effected. It is impossible to state definitely the numerical strength of any of these groups; but an official estimate in 1922 placed the membership of the Socialist party at about 15,000, of which number 10,000 were to be found in the English-speaking branches and the rest in the foreign-language branches. The membership of the Communist party probably does not exceed 10,500.

The Communists.

The Communists have little in common with the Socialists; indeed, they are openly hostile to the Socialist party, and charge it with being reactionary. They are likewise hostile to trade unions, and especially to the American Federation of Labor; whereas Socialists have long looked with approval upon trade unions, and have won many supporters in that quarter in years past.

The Communists are self-declared Bolshevists; they indorse the revolutionary programme of the Third (Moscow) International, the authors of which were Lenin and Trotsky; and they favor the overthrow of capitalism by the establishment of a soviet republic through direct mass action. The attempt to propagate these radical and revolutionary doctrines led to efforts on the part of the national government to suppress the

[1] For an excellent exposition of causes of this schism and the divergent views of the irreconcilable factions, see G. S. Watkins, "The Present Status of Socialism in the United States," *Atlantic Monthly*, CXXIV, 821–830 (1919); "Revolutionary Communism in the United States," *Am. Pol. Sci. Rev.*, XIV, 14–33 (1920); F. E. Haynes, *Social Politics in the United States*, Ch. XII (1924); J. Oneal, "Changing Fortunes of American Socialism," *Current History*, XX, 92–94 (1924).

organization and punish its leaders. As a result, the Communist party reorganized in December, 1921, under the name of Workers' Party of America; but the latter is to all intents and purposes the old Communist party under a new name.

At first the Communist party was opposed to political action, but apparently this policy has been abandoned, at least in part; for the second convention of the party, held in New York in December, 1922, decided to organize a national labor party by uniting all those elements in trade unions, farmers' organizations, and other radical groups, that are in favor of organized political action. At the same time, it was stated that the party would also adopt a policy of "boring from within" in those organizations that oppose political action, by organizing small campaigning groups within their ranks. As yet, however, none of the radical or communist groups which appeared in the wake of the Socialist disruption have cut any figure in politics, nor are they likely to do so in the immediate future.[1]

The Farmer-Labor Party.

Between 1916 and 1920, several movements, having no connection with Socialism, were launched by radical or "liberal" groups for the organization of a new party with more distinctive principles and policies than either the Democratic or Republican party now has. One of these movements originated among the radical leaders of organized labor, and had in view the creation of an independent labor party, analogous to the powerful British Labor party. Although the plan encountered much open opposition, even denunciation, from the officials of the American Federation of Labor and other conservative labor leaders, an organization was effected in 1919, and a national convention was held in Chicago, in July, 1920. In the meantime, another organization of persons who liked to call themselves "liberals," namely the "Committee of Forty-Eight," had been actively endeavoring

[1] There is an erroneous idea current that the International Workers of the World (the I. W. W.) is a political party. On the contrary, it is strictly an industrial organization, having nothing to do with political action and being generally opposed to participation in politics. It was organized in Chicago in 1904, has been in existence ever since, and was not one of the elements seceding from the ill-fated Socialist convention in 1919.

to bring about a fusion of all voters who for any reason were dissatisfied with the programmes, policies, or leadership of the major parties. Their national convention met in Chicago concurrently with that of the Independent Labor party. After prolonged negotiations, a sort of fusion of the two parties was effected under the designation, "Farmer-Labor Party," a name which, it was hoped, would appeal strongly both to the industrial classes in the cities and to the agricultural sections of the country, especially those states in which the Non-Partisan League movement had gained great momentum in the few years immediately preceding. The platform of the new party embodied an attempt to combine the divergent views of the "intellectuals" who made up the Committee of Forty-Eight, and the radical labor group.[1] P. P. Christensen, of Utah, was nominated for the presidency; but in the election he received a negligible vote of only 265,411 in the entire country.

The *Federated* Farmer-Labor Party.

This poor showing, however, did not deter the leaders of the Farmer-Labor party from calling a conference-convention which met in Chicago in July, 1923, to consider plans for the future. The invitation to participate in this conference was so inclusive as to justify the presence, in relatively large numbers, of members of the Workers' Party of America.[2] Indeed, it was charged by the more conservative Farmer-Labor leaders that the communists "packed" the convention, "steam-rollered" the conference, and "stole" the party name. At all events, having the votes, they rejected a platform which was satisfactory to the Farmer-Labor element, and forced the adoption of one so radical and "communistic" that the Farmer-Labor leaders refused to have anything further to do with the organization. As one of these leaders expressed it, "The Farmer-Labor party called this conference in good faith with a desire for political unity. But other groups invited here have taken advantage and in-

[1] For the platform in full see *Chicago Daily News Almanac*, 1922, pp. 200–203.

[2] By this time a dozen or more communist organizations, each claiming to be national in its scope, had appeared under various names. See J. Oneal, *Current History*, XX, 95 (1924).

jected a platform that . . . will kill the Farmer-Labor party, and means death to the ambitions of the working-class for twenty years." To indicate the presence of this new element in the party, the name was changed to Federated Farmer-Labor party. Apparently this meant that the Workers' Party of America had become merged in this Federated Farmer-Labor party, and ceased to exist as a separate organization. At any rate, the capture of the Farmer-Labor party by the communists was the first important achievement of that group since their party resolved to engage in political activity.

Late in 1923 the leaders of the Minnesota Farmer-Labor party issued a call for a national convention to be held in St. Paul, in June, 1924, to adopt a platform and nominate a presidential ticket. When the convention assembled the communists outnumbered and outmanœuvred the representatives of the more moderate Farmer-Labor element, forced the adoption of a platform too radical to please the latter, and nominated for president, Duncan McDonald, former president of the Illinois State Federation of Labor, and William Bouck, of Washington, for vice-president.[1]

A few weeks later, in July, the central executive committee of this party, meeting in Chicago, decided to part company with the less radical Farmer-Labor movement and to come out as a straight Communist party. It accordingly voted to resume the name of Workers' Party of America, originally adopted by the Communists in 1921, to withdraw the nomination of McDonald and Bouck, and to substitute two well-known Communists, William Z. Foster, of Illinois, and Benjamin Gitlow, of New York, as the party's candidates for the presidency and vice-presidency, respectively.[2]

While the radical groups just described were forming and

[1] The Farmer-Labor leaders in this convention originally planned to nominate Senator LaFollette; but he refused to allow his name to be considered because of the prominence of communist leaders in the movement. See R. M. Lovett, "The Farmer-Labor-Communist Party," *New Republic*, XXXIX, 153–154 (1924); "A Workers' Ticket in the Field," *Literary Digest*, LXXXII, July 5, 1924, p. 16.

[2] See *Literary Digest*, August 2, 1924, p. 19, "Our First 'Red' Presidential Ticket."

coalescing, there appeared what, in the judgment of some, may prove to be the beginnings of the American counterpart to the recently successful British Labor party;[1] at all events, the possible germ of a more moderate left-centre party. Others see in these developments the resurgence of the earlier progressive movement, which was almost completely lost to sight in the "twilight of progressivism" that marked the period of the World War and the years immediately following, when conservative or reactionary forces everywhere seemed to gain the upper hand in both major parties. In February, 1922, a Conference for Progressive Political Action was held in Chicago, attended by representatives of powerful trade unions, notably the Railway Brotherhoods, by representatives of the Non-Partisan League, and by members of the Socialist and Farmer-Labor parties. The conference gave serious consideration to two possible methods of organized political action, namely, the creation of a third party, or the organization of independent voting in the primaries of the two major parties, after the manner of the Non-Partisan League. The latter method received the indorsement of most of those participating in this conference, and was the one followed, with but one or two exceptions,[2] in the congressional campaign of 1922.

Conference for Progressive Political Action.

The elections of 1922 gave most convincing evidence of the renewed vitality of this "progressive" movement. Many "progressive" candidates, nominated in some instances as Democrats, but in more instances as Republicans, were elected by considerable majorities, especially in the Middle and Northwestern states. This recrudescence of progressivism was, on the whole, spontaneous, for the most part unorganized, and the result of little if any co-operation between its different local leaders. It was a sort of insurrection, or a series of local insurrections, against the continued domination in national politics of conservative, "reactionary," or "Old Guard" forces.

[1] See H. L. Varney, "An American Labor Party in the Making," *Current History*, XX, 86–91 (1924).

[2] In Minnesota, Senator Shipstead was elected on a Farmer-Labor ticket.

Following these elections, another conference of Progressives was held in Washington, in December, 1922, attended by some 300 men and women, including 13 senators and 21 representatives in Congress, some of whom were Democrats, but most of whom were Republicans. The conference gave serious consideration to "ways and means of piecing together these local progressive insurrections and of giving them a general staff and a common programme." A tentative agreement was reached respecting a legislative programme, a modus operandi,[1] and plans for the further organization of progressive forces throughout the country. Later in the same month a more inclusive conference of progressives was held in Cleveland.[2]

The election in the summer of 1923 of another "radical" senator from Minnesota, Magnus Johnson, gave further encouragement to the leaders of the new progressive movement, and furnished additional evidence that the old party managers have a serious problem on their hands in the Middle and Northwestern states, where the agricultural classes have for some years been suffering economic distress which the major parties have done little to alleviate.

The present (1924) political situation in these states is in no small measure the result of the rise and spread of a non-partisan agrarian movement, which first appeared in North Dakota in 1915 under the name of the Farmers' Non-Partisan League. The early successes of this organization in the state elections of North Dakota led it to enter national politics in 1917, when it elected John M. Baer to the House of Representatives in a six-cornered contest.[3] Greatly encouraged by this victory, the leaders of the League decided to extend its activities into neighboring states; and, to indicate this enlarged sphere, the name was changed to Na-

The Non-Partisan League.

[1] On the methods pursued, see H. L. Varney, "An American Labor Party in the Making," *Current History*, XX, 89–90 (1924).

[2] In February, 1924, another meeting of the Conference was held in St. Louis, at which the preliminary steps were taken which resulted in the holding of a national convention in Cleveland in July.

[3] This was a special election to fill a vacancy. The following year Mr. Baer was re-elected for a full term.

tional Non-Partisan League. Since 1918, the League has been a very important factor in the politics of a number of Northwestern states, and has elected a few senators and representatives in Congress. Strictly speaking, the League is not a political party, but its organization and activities so much resemble those of a regular party that it may appropriately receive consideration in this chapter.

The League is not a political party in this sense: it does not nominate a list of candidates for public offices, which is afterward printed upon the official ballot in a column headed "National Non-Partisan League," or even with the League name printed alongside the name of each candidate. Its original tactics were, and still are in most instances, to get all the farmers to vote one way. To secure this result, pre-primary meetings or conventions are held at the beginning of a political campaign, at which the merits of Republican and Democratic aspirants for nomination in their respective party primaries are canvassed, and a decision reached as to which candidates can be depended upon to support the measures or policies advocated by the League in the interest of the farmers. In this way, League support is solidified behind Republican or Democratic primary candidates, usually the former; and the successful candidates are henceforth known as the League candidates, although their names appear on the official ballot as Republicans or Democrats, as the case may be. In other words, the united farmer-vote is used to "capture" or "indorse" the nominees of one of the established party tickets at the primary and to win the election. Thus, Congressman Baer was elected in 1917 as a Republican with Non-Partisan-League support; and the same was true of the two United States senators from North Dakota, Ladd and Frazier. Like the regular political parties, however, the League has its own campaign fund, obtained mainly from membership dues; also its own series of national and state committees closely paralleling the older party machinery. It has also supported at one time or another a large number of newspapers, notably the *Non-Partisan Leader*.

The League's Political Methods.

The main objects of the League have been to obtain relief from the economic distress from which the farmers of the Northwest have for years been suffering; also to redress certain political and economic grievances of the agricultural classes. To that end, certain experiments in state ownership of grain elevators and flour mills, in state banking, and state hail insurance, among other things, have been tried in North Dakota. However widely people may differ respecting the wisdom or success of these state-owned enterprises, all must agree that the League movement has been an important factor in weakening the attachment of the voters in the Western, especially the Northwestern, states to the old party organizations; and has given great encouragement to those who would like to see the formation of a new "progressive" or "liberal" group, either within the ranks of one of the major parties or as an independent third party; capable in either case of holding the balance of power, and thus virtually able to dictate the adoption of progressive policies and the enactment of legislation demanded by the agricultural and labor interests.

Effect Upon Major Parties.

Conspicuous among those who are taking advantage of the economic unrest and political upheaval attending the Non-Partisan League movement and are also capitalizing the widespread dissatisfaction elsewhere with the conservatism of both major parties as well as the distrust engendered by the disclosures attending recent congressional investigations, are the anti-communists of the Farmer-Labor party, leaders of influential labor organizations, notably the Railway Brotherhoods and garment workers' unions, as well as members of the Non-Partisan League and old Committee of Forty-eight. To these should be added prominent Socialists who, seeing their own party rapidly undergoing dissolution,[1] feel that the only prospect of attaining some of the ends for which their party has striven lies in uniting with these other

Third Party Promoters.

[1] Speaking of the Socialist party at the opening of the presidential campaign of 1924, the former managing editor of the Socialist newspaper, the New York *Call*, says: ". . . There is scarcely enough of it left to salvage

elements in the hope that all may eventually become fused into a new and independent third party.

The Conference for Political Action, mentioned above, has been the medium through which the federation of these different radical or progressive elements has been attempted. Looking forward to the presidential campaign of 1924 in the confident expectation that the candidates and platforms of the two major parties would be too conservative to satisfy them, the Conference appointed a national committee which, early in 1924, issued a call for a national convention to meet in Cleveland, July 4. Upward of a thousand delegates attended, but instead of representing states, as is the rule in major-party conventions, they represented organizations, *e. g.*, trade unions, the Non-Partisan League, and the Socialist and Farmer-Labor parties. It was the general expectation that the convention would either "nominate" or "indorse" Senator LaFollette of Wisconsin for the presidency, his willingness to lead this movement having been previously ascertained through informal interviews and correspondence. On the eve of the convention, therefore, the national committee extended a formal written invitation to him "as the outstanding leader in the progressive forces in the United States," to make the race for the presidency, declaring that "the Republican and Democratic parties have both forfeited all claims to public confidence," and have failed "to purge themselves of the evil influences that now dominate them." In his formal reply, read to the convention by his son, Senator LaFollette discussed the political situation and the shortcomings of the major parties at considerable length, and closed with the declaration that "I shall submit my name as an independent progressive candidate for president, together with the names of duly qualified candidates for electors for filing on the ballot in

The Progressive Convention, 1924.

and weld with another group. It has neither good-will nor bad to bequeath to another organization. It is a political ghost stalking in the graveyard of current events seeking respectable burial. The majority of its former voting membership is back in the Democratic and Republican parties from which it came. Its foreign membership seceded five years ago, affiliating with the Communist groups. . . ."—D. Karsner, "The Passing of the Socialist Party," *Current History*, XX, 402–408 (1924).

every state in the Union. My appeal will be spread to every class of the people, and to every section of the country."

The convention then, in deference to Senator LaFollette's wishes, proceeded to "indorse" him as an "independent" candidate, instead of "nominating" him as the candidate of a new party,[1] as the Socialists and some others would have preferred to do. The general public, however, is likely to brush aside such quibbles or technicalities and to look upon his candidacy as equivalent to a nomination by a new Progressive party.[2]

As had been expected, the convention adopted a radical programme largely based upon resolutions drafted by Senator LaFollette a few weeks earlier and submitted to the Republican national convention, then meeting in the same city and auditorium, and overwhelmingly rejected by that body. After assailing the record of the old parties, the LaFollette platform presents a very specific "programme of public service," dealing with monopolies, government ownership of water-power and railroads, the banking system, judicial review of legislation, taxation, foreign relations, and a number of other subjects. The full text of the platform may be found in the appendix, and it deserves careful comparison with the platforms of the two major parties.

Socialist Convention, 1924.

Immediately upon the adjournment of the LaFollette or Progressive convention, Socialists to the number of about 150 assembled in national convention at Cleveland. The outstanding question for this body to decide was whether to put up a regular Socialist presidential ticket, as the party has regularly done since its organization, or refrain from making such nominations this year and simply indorse the nomination of Senator LaFollette. After full debate,

[1] This distinction is based upon Senator LaFollette's desire to retain his nominal membership in the Republican party, which, in his judgment, would be less easy to do if he ran as the nominee of a rival party.

[2] No vice-presidential candidate was named by the convention, but the selection was left to Senator LaFollette, the LaFollette-for-President Committee, and the Executive Committee of the Conference for Progressive Political Action. This group later selected Senator Burton K. Wheeler, of Montana, for the vice-presidency.

the convention adopted the latter course, but at the same time decided to continue to maintain its separate party organization, pending the possible formation of a new third party after the presidential election of 1924.

This unusual action on the part of the Socialists is probably due in part to consideration of the dwindling numbers of "enrolled" members in the party, and in part to the fact that Senator LaFollette stands for political revolt, is a bitter foe of "the interests," and is thus helping to create a class consciousness which it is hoped will hasten the adoption of Socialist tenets. Furthermore, it is believed by some that through this temporary alliance with the LaFollette party, Socialists will be able to get a hearing in circles heretofore closed to them, and will become "the spiritual department of the progressive movement." Apparently, therefore, the indorsement of LaFollette by the Socialists is merely a means to an end. "They will use him, capitalize his influence and prestige, and disseminate their own ideas while ostensibly campaigning for him. LaFollette is their wooden horse with whose help they hope to capture the citadel of American radical opinion." [1]

QUESTIONS AND TOPICS

1. The history and influence of each of the following minor parties: (*a*) the Anti-Masonic party, (*b*) the Workingmen's party of New York City, 1829–1831, (*c*) the Liberty party, (*d*) the Free Soil party, (*e*) the Native American or Know-Nothing party, (*f*) the Liberal Republicans, (*g*) the Greenback party, (*h*) the Prohibition party, (*i*) the Populist party, (*j*) American Protective Association, (*k*) the National party (1917), and (*l*) the Single Tax party (1920). (In addition to the Bibliography in the appendix, consult the larger works on American history, such as McMaster, Rhodes, Schouler.)

2. Trace the rise of the "insurgent" or progressive movement in the Republican party down to 1912.

3. What events connected with the Republican national convention of 1912 led directly to the formation of the National Progressive party?

4. Trace the steps which resulted in the Republican-Progressive merger in 1916.

[1] Editorial, Chicago *Daily News*, July 8, 1924.

5. The radical or progressive movement in 1920–1924, in connection with the Conference for Progressive political action.

6. The agricultural bloc in Congress, 1921–1924. (See Capper.)

7. Interpretations of the congressional elections of 1922.

8. Compare the platforms and methods of the Socialist and the Socialist-Labor partics, the Communists, and the I. W. W.

9. The emergency national convention of the Socialist party in 1919, and the resulting schism.

10. Proceedings of the Socialist national convention of 1920.

11. The case of the Socialist assemblymen in the New York legislature, 1919–1920.

12. Victor L. Berger's expulsion from the national House of Representatives, 1919–1920.

13. Recent Socialist successes in state and local elections.

14. The Committee of Forty-eight and its platform (1919).

15. The British Labor party.

16. The political activity of organized labor in the United States since 1900.

17. The movement for an independent labor party in the United States since 1916.

18. The negotiations between the Independent Labor party and the Committee of Forty-eight, resulting in the formation of the Farmer-Labor party in 1920.

19. The Farmer-Labor platform of 1920.

20. Sketch the history of the National Non-Partisan League in North Dakota.

21. The influence of the National Non-Partisan League outside of North Dakota.

22. What are the chief reasons for the greater success of the Socialist-Labor movement in British politics than in American? (See Benedict.)

23. The proceedings of the St. Paul convention of the Farmer-Labor party in June, 1924.

24. Proceedings of the Cleveland convention of the Conference for Progressive Political Action in July, 1924.

25. Proceedings of the Socialist national convention at Cleveland, July 7th and 8th, 1924.

26. The official attitude of the American Federation of Labor toward the nomination of LaFollette and Wheeler, Coolidge and Dawes, and Davis and Bryan.

PART TWO

NOMINATING METHODS

CHAPTER IV

NOMINATIONS FOR LOCAL OFFICES. THE UNREGULATED CAUCUS OR PRIMARY

THE immediate purpose or object of party existence is to obtain control of the government by electing officials who, in one capacity or another, are to administer the government. Elections imply rival candidates for the support of the party in its effort to obtain the offices. Previous to an election, therefore, each political party selects from its membership the persons whom it will support for different offices at the ensuing election. This process of selection is called making nominations, and the persons so nominated collectively make up the party "ticket." Every person who to-day fills an elective office in the United States, whether federal, state, or local, has received some form of nomination prior to his election. The vast majority have been nominated by one or the other of the two great political parties.

Elections Preceded by Nominations.

A person may offer or present himself to the voters of his community as a worthy candidate for some office, and ask their support at the approaching election. Such a candidacy is said to be "self-announced," and the candidate is said to be "self-nominated." This method prevailed generally in the Southern states before the Civil War; and, even at the present time, is to be found in some parts of the South and Southwest. But in the vast majority of cases, candidates are nominated in some more formal manner prescribed either in party rules or in state laws.

In this chapter attention will be confined to the methods

commonly employed for the nomination of candidates for local offices; and by local offices is meant offices in the lowest political sub-divisions of the state, namely, villages, boroughs, townships, cities, school districts, and city wards and precincts. For such offices four methods of nomination have been in use at one time or another in different parts of the country, though at no time has any one of them been employed universally; and even to-day two or more methods may be found operating concurrently in different parts of the same state.

The delegate convention system, in local politics, was used only in our largest cities for the nomination of the principal officials. Such conventions consisted of delegates selected by the voters of each party in the various precincts or wards into which the city was divided. But inasmuch as the convention system was used mainly for the nomination of county, state, and national officers, detailed consideration of it will be reserved for the following chapter. In recent decades two other methods of selecting candidates for local offices have rapidly come into favor, namely, the direct primary election system, and nomination by petition. Inasmuch as these are also applied to other than local offices their detailed treatment is deferred to a later chapter.[1] And, lastly, there is the method of nomination by unregulated caucus or primary, which is much older than the other systems mentioned, and, until within a decade or two, was found in practically all parts of the country under slightly varying forms.

Although it has been very extensively superseded in recent years by the direct primary, the caucus or primary has had an interesting history, and is still in operation in many localities. Such caucuses or primaries may be either partisan or non-partisan. In the latter case, any group of voters, without regard to party affiliations, may get together and agree to support A, B, or C for membership on the school board, or as township treasurer, or as alderman from their ward. Such caucuses are commonly found to-day in connection with Illinois village and township

[1] Chapter VI.

elections, and even in connection with councilmanic elections in the smaller cities.

But the form which is best known is the *party* caucus or primary, which is a general meeting of the voters of each party. To this meeting two names are given: in New England and in a few Western states, it is generally called a caucus; but nearly everywhere else the meeting is called a primary. The New England caucus, especially in the smaller towns, is practically a mass meeting of the party voters of each party, very much like the well-known New England town meeting. There is opportunity for discussion and the presentation of the claims of rival aspirants for nomination before actual voting begins. If only one candidate is nominated for an office, the voting is usually done orally; but when there are two or more candidates, paper ballots are usually provided.

Outside of New England the caucus is usually called a "primary," and there it has none of the distinguishing features of the caucus just described: there is no mass meeting with its opportunity for discussion and presentation of the merits of candidates. Instead, proceedings are much more like those of a regular election: paper ballots are used; the polls are open a certain number of hours; and during that period voters come and go singly or in small groups. The result is not known until the polls close and the ballots are counted.

In some states, the terms primary and caucus are used interchangeably; and in this chapter they will be used as synonymous, referring to the selection of candidates for offices in townships, villages, cities, wards, precincts, or other political subdivision.[1]

[1] The term primary in this connection is to be distinguished from direct primary elections, although it is not uncommon to read of primary elections when a mere caucus or primary is meant. For the sake of avoiding confusion, the unqualified term "primary" will be used as synonymous with caucus and restricted to local nominations, while the term "direct primary" or "direct primary elections," or merely "primary elections" will here be confined to a recent device for doing away with the convention system, which is to be more fully considered in a later chapter. The term caucus is also used in a different sense when applied to legislative bodies, as will appear later.

The "call" for a caucus or primary is issued by the city, town, or other local party committee concerned, and usually covers five points: It specifies the time and place of meeting. It states the object for which the caucus is held. It designates the person who is to call the meeting to order or the officers who are to preside or take charge of the balloting. It often states the length of time during which the balloting is to continue, and sometimes gives an abstract of the rules which are to govern. The call is signed by the chairman and the secretary of the committee which issues it.[1]

The "Call."

Before the enactment of legislation regulating them, the organization and conduct of these primaries or caucuses were governed by rules adopted by the party committee calling them, or by custom. Now, however, the majority of states have laws regulating quite minutely the holding of caucuses and primaries. The necessity for such legislation arose from certain serious defects or evils in the unregulated caucus or primary system, which appeared most glaringly in the cities.

Caucus or Primary Proceedings Governed by Party Rules or by Statutes.

The following may be noted as the principal *evils of the unregulated caucus or primary:*

Evils.

(1) In the cities it often happened that a large foreign element, excitable, turbulent, and easily marshalled for the support of corrupt politicians and frequently used by them as

[1] The following is a typical caucus "call":

REPUBLICAN CAUCUS

The Republican electors of the town of East Hartford are requested to meet in caucus in Wells Hall on Monday, August 31, 1914, at 8 o'clock P. M., for the purpose of electing delegates to the Republican state convention to be held in New Haven, September 9 and 10, 1914, for the nomination of candidates for state officers and senator in Congress, and to appoint a state central committee; also for the purpose of electing delegates to the congressional, county, senatorial, and probate conventions for the respective districts in which the town is situated; also for the purpose of electing a town committee for the ensuing two years.

By order of the town committee, F. H. MAYBERRY, *Chairman.*

Dated at East Hartford, Conn., August 22, 1914.

"floaters" or "repeaters," was present at the primaries. Respectable native citizens disliked to mingle with, be jostled, and perhaps intimidated, by such an element, and therefore remained at home. Where such foreigners were naturalized citizens and entitled to vote in the primary which they attended they could not be excluded by legislation. Laws properly enforced have, however, done much to prevent their illegal voting and "repeating" and to suppress violence and intimidation.

1. The Predominance of Foreigners.

(2) Primaries or caucuses were often held in saloons,[1] or in places difficult of access and inadequate to accommodate all the voters who desired to participate. Such places would be selected in the interest of some ring whose supporters would come early, fill up the place, remain until the time for voting had expired; and by their noisy demonstrations, insulting language, or threats of violence would render it difficult or extremely distasteful for the respectable voters to get inside and defeat the programme of the managers. Legislation has done little to change this practice.

(2) The Places Selected for Primaries.

(3) "Snap" caucuses or primaries were not infrequent. These occurred when a primary was called upon too short notice to the party voters. Such notice was usually accompanied by a failure to advertise sufficiently the time and place. The result was that very few voters, other than the initiated, attended; and the ring in control was thus enabled to arrange everything its own way. Statutes in practically every state now provide for the publication of the notice of the time and place of holding caucuses and primaries a certain number of days in advance.

(3) "Snap" Primaries.

(4) Not infrequently actual violence was resorted to by one side to prevent the other from casting its full vote, and the caucus or primary ended in a fight more or less general. Every state now has laws de-

(4) Violence at Primaries.

[1] The character of the old primaries is indicated by the fact reported by Mr. Roosevelt that "of the 1,007 primaries and conventions of all parties held in New York City preparatory to the election of 1884, 633 took place in liquor saloons." See *Century*, XXXIII, 79 (1886).

signed to remedy this evil, usually by means of proper police protection.[1]

(5) The "packing" of caucuses and primaries was a very common evil. Packing might assume a variety of forms. A band of hired supporters, or heelers, for example, many of them not entitled to vote, would be brought to the primary and voted in the interest of some candidate or "slate." Or a caucus might be packed by voters of the opposing party for the purpose of bringing about the nomination of weak candidates. Thus it frequently happened that, in the same city, Democrats practically determined Republican nominations and, similarly, Republicans controlled Democratic primaries. At still other times, an official whose term was about to expire, who desired renomination for another term, and who had no reason to expect opposition, would find himself most unexpectedly defeated by a candidate who had been secretly at work and packed the caucus or primary with his friends and followers. A party might thus have foisted upon it a candidate whom it did not want and of whom the majority had never heard.

"Packed" Caucuses.

In many states the packing of caucuses or primaries has been prevented to a considerable extent either by party rules or by state laws which require the submission of the names of all persons to be voted for at a caucus or primary to the committee in charge a certain number of days in advance. Furthermore, definite tests of party allegiance have been very generally established in recent years, so that members of one party may not pack the primaries of another party. In spite of these regulations, packing recurs to a regrettable extent, especially in large places.

(6) Bribery of voters at primaries was a flagrant evil for many years, when the statutes which punished bribery at elections did not apply to the same offense at primaries. Every

[1] For an account of a disorderly primary held in Philadelphia in 1826, see *Niles' Register*, XXXI, 85 (1826), quoted in Dallinger, 98. Accounts of similar primaries in Baltimore and Boston are also quoted in Dallinger, 113–117.

state has now, it is believed, extended such laws to cover primaries, and, as a result, bribery has been diminished.

(6) Bribery.

(7) Not long ago, in the larger cities the real work of nominating candidates and selecting delegates in the caucus or primary had largely fallen into the hands either of "parlor caucuses" or of political committees and clubs, the ordinary voter being restricted to a choice between candidates agreed upon at such preliminary secret conferences or named by such organizations.[1] "It is great sport," said a practical New York politician, "to see the people go to the polls and vote like cattle for the ticket we prepare."[2] Wherever such conditions prevailed, the caucus or primary was a potent factor in building up the power of political bosses; their strength depended very largely upon their ability to control or "fix" primaries. This was especially true in New York City a few years ago.

(7) "Ring Rule."

(8) The non-attendance of the best class of voters has been and still is a most serious evil connected with the caucus or primary. It has been estimated that until recently the proportion of voters who took part in primaries varied from one to ten per cent. The principal cause assigned for this abstention is the indifference of the majority of citizens; they are too much engrossed in their business or domestic affairs or their pleasures, especially in the cities. Other causes are to be found in the unfortunate conditions surrounding the primary which have been described above. Of late there has been a noteworthy increase of interest in the primaries on the part of this class of citizens and a larger participation by them in the work of selecting candidates.

(8) Apathy of "Good" Citizens.

This is a most wholesome and encouraging sign, for "caucuses and primaries constitute the corner-stone of our nominating system." Their importance cannot be overestimated.[3]

[1] Dallinger, 12.

[2] Quoted by David Dudley Field, *Forum*, XIV, 192 (1892).

[3] On the importance of local primaries, see F. R. Kent, *The Great Game of Politics* (1923), Ch. II.

There is, therefore, no subject connected with practical politics of greater importance than the reform of nominating methods beginning with the caucus or primary. Legislation has accomplished much, but statutory regulation has its limitations. The law can prevent snap caucuses and conventions by requiring proper notice to be given of all such party meetings; it can secure fair and honest conduct of caucuses and primary elections; in short, it can bring it about that the persons nominated by party caucuses and conventions shall be the real choice of the party voters present at the primary meetings. But it cannot prevent the voters who are present and vote from nominating unfit candidates for office. "The law can do much, but it can neither compel the so-called 'respectable' voters to attend the caucus of their party, nor can it elevate the moral sense of those who do attend. The only method of accomplishing either of these most desirable ends is by educating the voting population of the country up to a true conception of the duties and responsibilities of American citizenship." [1]

Importance of Participating in Primaries.

Much effective work has been done in some of our large cities in bringing home to the voters their duties in connection with primaries and caucuses and in helping to bring about the nomination of fit, at any rate the defeat of the most unfit, candidates for local offices by such non-partisan organizations as the Municipal Voters' League in Chicago, the Good Government Association in Boston, the Citizens' Union in New York, and the Voters' League in Pittsburgh. Similar organizations are to be found in a score or more of other cities. They endeavor to ascertain all the facts respecting the official record and private character of aspirants for office, and to present these facts to the voters by publication in the newspapers or in the form of circulars or bulletins, often accompanied by a brief statement whether, in the opinion of the organization, the respective candidates are worthy or unworthy of support at the primary.

Voters' Leagues.

Another noteworthy development in connection with local

[1] Dallinger, 197.

politics in recent years has been the wide substitution of non-partisan primaries and elections for primaries and local elections conducted along the old national party lines. There is a very widely held conviction that blind adherence to national party lines in state and local politics has been productive of more evil than good; that, in part, it has been to blame for the existence in many populous communities of unscrupulous and corrupt political machines masquerading under the name Republican or Democrat; that the projection of national party lines into the field of local politics appears not only illogical but indefensible, and is responsible for much of the inefficiency of some of our local governments. And it is, indeed, hard to perceive any very close relationship between most of the problems which primarily concern cities and other local government units and Republican or Democratic policies in the sphere of national government. In hundreds of cities, accordingly, especially those that have adopted the newer forms of city government—the commission and the commission-manager types—both primaries and elections are conducted along non-partisan lines.[1] As this result is closely related to the direct primary election system of nominations it will be considered more fully in Chapter VI.

Non-Partisan Primaries.

QUESTIONS AND TOPICS

1. Origin of the caucus and the derivation of the word.
2. Nominating methods in the Colonial and Revolutionary periods. (See Bishop.)
3. Conduct of primaries in New York, Philadelphia, Boston, Baltimore, 1880–95. (See Dallinger, Ch. V.)
4. The preliminary work of candidates in preparing for a caucus or primary. (See Dallinger, Ch. II.)
5. Does the caucus or primary described in the text now exist in your state? If so, what laws or party rules regulate it?
6. What are the qualifications required by law for local officers in your state? (See the state constitution and statutes.)

[1] It should be noted, however, that in Pittsburgh, Scranton, Reading, and in all the commission-governed cities in Pennsylvania, partisan primaries and elections were re-established in 1921. See Chapter VI, pp. 87–89.

7. How have caucus and primary evils been remedied by party rules? (See Dallinger, Ch. VIII.)

8. The work of Voters' Leagues and other civic organizations in promoting good nominations for municipal offices in Chicago, Philadelphia, New York, Cambridge, Mass., and other places. (See Dallinger, Ch. X; Ostrogorski, II, part 5, Ch. VIII; *Annals*, Jones, King, Sparling, and Smith.)

9. How are nominations made in cities having the commission form of government?

10. Bring together all the arguments you can for and against non-partisan nominations and elections in the field of local government.

11. What lessons are to be drawn from the history of municipal political parties? (See Munro.)

CHAPTER V

NOMINATIONS FOR COUNTY AND STATE OFFICES. THE CONVENTION SYSTEM. ITS DEFECTS, AND THE REMEDIES PROPOSED

BEFORE the adoption of the direct primary, to be explained in the next chapter, the convention system had, since the early decades of the past century, been almost universally employed for the nomination of candidates for county offices, for the principal state offices, for members of both houses of the state legislature, for judgeships, and for the lower branch of Congress.

The nominations for county offices were made by the county convention, composed of delegates elected by the party voters in the various towns and cities in the county. For the principal state offices, *e. g.*, governor, state treasurer, etc., candidates were nominated by the state convention, made up of delegates chosen either by the voters directly in their local caucuses or primaries, or by the county, or district, conventions. Similarly, candidates for judgeships and for membership in the legislature would be named by judicial district conventions and by senatorial or legislative district conventions, respectively. These conventions were made up of delegates chosen by the voters in the towns and cities comprised in the districts concerned. In one or two states, however, where each town is entitled to representation in the legislature, candidates were, and still are, nominated in town caucuses or primaries; and in states where each county is entitled to representation in the legislature, candidates were nominated by the county convention.

Scope of the Convention System.

The "call" for these various conventions was issued by the county central committee, by the state central committee, or by the appropriate district committee of the party concerned; and it usually specified the time and place of holding the con-

vention, and the number of delegates to which each city, town, or county was entitled. The number of delegates sent to conventions of course varied, and was generally determined by the city, town, county, district, or state committee, according to the number of votes polled by the candidates of the party at some recently preceding election. Frequently the state conventions were large and unwieldy bodies, having, in the case of New York and Massachusetts, and perhaps other states, over a thousand delegates.

The "convention system," as this method of selecting candidates for public office is called, has been a distinctive feature of the American party system; and few, if any, other political institutions have exerted a more powerful influence on the government and the character of public officials. Before the system came into general use about 1830, state, district, and county officials were nominated in a variety of ways, the most important of which will be briefly indicated.

Earlier Nominating Methods.

The earliest systematic method of nominating candidates for the principal state offices took the form of legislative caucuses. In days when means of travel and communication were greatly restricted, it would have been extremely difficult to assemble party representatives from different sections of a state for the sole purpose of nominating candidates. The sessions of the legislature, however, brought together a considerable number of political leaders from nearly all parts of the state; and it was entirely natural that each party delegation in that body should meet in what was called a caucus for the purpose of agreeing upon a list of candidates to be "recommended" to the voters of the state for their support at an approaching election. When, as often happened, a party did not have members of the legislature from certain sections of the state, such districts were sooner or later given the right to send to the legislative caucus persons who, although not members of the legislature, could express the sentiment of the voters in the otherwise unrepresented districts. To this kind of a meeting was given the name "mixed" legislative caucus.

Before this system had become generally established for the principal state offices, candidates for county or district offices were often nominated by more or less informal meetings of persons who had been selected in the various local town or city caucuses or primaries for this purpose. This custom soon developed into the systematic choice of delegates in local caucuses to attend a formal county nominating convention. In time state and district nominating conventions, closely modelled upon the county convention, supplanted the legislative caucuses in the nomination of state and congressional candidates.[1]

The development of the formal county, district, and state nominating convention was looked upon at the time as a great improvement over the earlier methods of nomination, especially as it seemed to give the rank and file complete control over party nominations. And in theory it must be granted that the convention system is well-nigh perfect, for it admits of the purest application of the principle of representative or delegated authority. Theoretically, the voice of each voter can be transmitted from delegate to delegate, until finally it finds perfect expression in the legislature, the executive, or the judiciary. The nearest approach to such ideal conditions was reached by the convention system during the Jackson period. When so conducted as to command the confidence and respect of the voters, it was the foundation of party success. It furnished an excellent opportunity for the perfection of party organization, and for estimating a party's strength, since the conventions were composed of men from every locality who were familiar with party conditions in their home communities. It afforded an opportunity for judging of a candidate's popularity, for arousing party enthusiasm, for conciliating factions, for formulating the party platform. Conventions were, in theory, deliberative bodies, thoroughly representative of every locality, faction, class, and interest comprised in the party. For these reasons its defenders still regard the

In *Theory*, Convention System Nearly Ideal.

[1] See G. D. Luetscher, *Early Political Machinery in the United States*, Chs. III–IV (1903); J. S. Walton, "Nominating Conventions in Pennsylvania," *Am. Hist. Rev.*, II, 262 (1897).

convention system as a most valuable instrument in the hands of the party.[1]

It was not long before the convention system, however admirable in theory, became, like the electoral college, quite transformed in practice. In the past decade or two it has been assailed most vigorously by political reformers, and in the majority of states it has been either abolished by statute or greatly restricted in operation. This is partly due to the fact that some of the evils which characterized the unregulated caucus or primary also appeared in connection with the nominating convention. In addition to these, the convention developed evils or defects which were peculiar to itself. Among the most important and serious *weaknesses of the convention system*, the following may be mentioned:

In *Practice* Serious *Defects* Have Developed.

(1) The convention system rarely attracted as delegates men who represented the best type of citizenship; on the contrary, the controlling majority was usually made up of adherents of some political machine, and this was especially true in counties and states containing large cities. The following descriptions of the personnel of two Cook County conventions, held in Chicago in 1885 and 1896, may not have been true of conventions generally, but they serve to illustrate the possibilities of the convention system with respect to the character of the delegates.

These Defects Appear in the Character of Delegates.

The make-up of the earlier of these two conventions was as follows: First Ward: 2 saloon-keepers, 1 ex-saloon-keeper and a city-hall employee, 2 persons controlled by an ex-saloon-keeper, 1 runner for a saloon. Second Ward: 1 tramp, 2 saloon-keepers, 1 employee of the county clerk's office, 1 town officer. Third Ward: 1 employee of the county clerk's office, 3 saloon-keepers, 1 independent in politics. Fourth Ward: 4 office-holders, a brother of a city detective, an ex-office-holder, 1 resident of Hyde Park, 1 "reputable business man." Fifth Ward: 7 "graduates of the penitentiary," 1 under indictment for rape,

[1] E. C. Meyer, *Nominating Systems*, 48–54.

1 ballot-box stuffer, 1 professional politician, 2 peddlers, 5 "persons without occupations, generally designated as roughs." Sixth Ward: 1 employee of the county clerk's office, 1 bridge-tender, 4 city-hall employees, 1 town officer, 2 saloon-keepers, "William Curran, the only man of the delegation who commanded respect in his ward. *He did not attend the convention.* Proxy held by a bridge-tender." Seventh Ward: 5 city and county employees, 4 saloon-keepers, 2 "toughs," 2 "reputable business men." Three of these delegates had been in the Bridewell, the jail, or the penitentiary. Eighth Ward: 4 city or county employees, 1 meat peddler, 6 saloon-keepers, 2 clerks. Ninth Ward: 6 saloon-keepers, 1 contractor. Tenth Ward: 1 alderman, 1 tramp, 2 saloon-keepers, 1 "honest mechanic." Eleventh Ward: 3 saloon-keepers, 1 lawyer, 1 "son of a policeman," 1 "man without occupation." Twelfth Ward: 5 office-holders, 1 saloon-keeper, 1 clerk. Fifteenth Ward: 5 office-holders. Sixteenth Ward: 3 office-holders. Seventeenth Ward: 3 "who are of the bread-and-butter brigade" (office-holders). The writer of the above description concludes by saying that "many of the persons referred to above as city employees are at the same time saloon-keepers or the sons of saloon-keepers. The convention was completely controlled by the toughs, the fine-workers, the tough saloon-keepers—there was hardly a reputable saloon-keeper (!) in the convention—and the bread-and-butter brigade." [1]

Of the other Cook County convention, held in 1896, a contemporary account runs as follows: "Of the delegates, those who had been on trial for murder numbered 17; sentenced to the penitentiary for murder or manslaughter and served sentence, 7; served terms in the penitentiary for burglary, 36; served terms in the penitentiary for picking pockets, 2; served terms in the penitentiary for arson, 1; ex-Bridewell and jail-birds, identified by detectives, 84; keepers of gambling-houses,

[1] The above description was written by the president of the Young Democratic Club, and appears in the Chicago *Tribune*, March 30, 1885. An account of the proceedings of this convention appears in the Chicago *Tribune* and in the Chicago *Daily News* for March 25, 1885.

7; keepers of houses of ill-fame, 2; convicted of mayhem, 3; ex-prize-fighters, 11; pool-room proprietors, 2; saloon-keepers, 265; lawyers, 14; physicians, 3; grain dealers, 2; political employees, 148; hatter, 1; stationer, 1; contractors, 4; grocer, 1; sign-painter, 1; plumbers, 4; butcher, 1; druggist, 1; furniture supplies, 1; commission merchants, 2; ex-policemen, 15; dentist, 1; speculators, 2; justices of the peace, 3; ex-constable, 1; farmers, 6; undertakers, 3; no occupation, 71; total delegates, 723."[1] In other words, in this total of 723 delegates, 265 were saloon-keepers, 148 were office-holders, and 128 had served a term either in the house of correction or in the penitentiary.

How common conventions with such mottled complexions were, it is impossible to say; but there is no reason to suppose that they were peculiar to Chicago and Cook County, when in every large city the same sort of material was readily available if local political leaders needed it. If a tree is known by its fruits, it is taxing one's credulity to suppose that such conventions nominated the best men for public office.

(2) The considerable period of time which usually elapsed between the choosing of delegates and the convening of the convention afforded abundant opportunities for the bribery of delegates or the bringing to bear of other corrupt influences. This was especially likely to occur in exciting contests where the race between rival candidates for a nomination was close and the change of a few votes might determine the result.

Interim Between Election and Convention.

(3) Delegates were frequently elected who had no intention of attending the convention for which they were chosen. They transferred their credentials, often for a valuable consideration, to unscrupulous politicians who acted as their substitutes or "proxies."[2] The use of proxies is now forbidden by statute or by party rules in some states. The practice of selecting an equal number of alternates at the same time the delegates are chosen, to serve in their places if

The Use of "Proxies."

[1] R. M. Easley, *Rev. of Rev.*, XVI, 322 (1897).

[2] For an illustration of the flagrant misuse of proxies in Massachusetts, see R. S. Hoar, in Intercollegiate Civic League *Report*, 1910.

the delegates are unable to attend, has extensively, though not wholly, displaced the proxy system.

(4) It was a not uncommon occurrence for "contesting delegations" to be organized by a faction defeated at the primaries, for the purpose of appearing at the convention and contesting the admission of regularly elected delegations. Such contested cases were always referred to the committee on credentials, usually appointed by the temporary chairman of the convention. If the chairman was in league with the defeated faction, he appointed to this committee men favorably disposed to the admission of the contestants. In this way the will of the majority as reflected in the results of the primary was more than once overridden in conventions dominated by some political machine. At other times the dispute might be compromised by admitting both delegations, but allowing to each delegate only half a vote.

"Contesting Delegations.

(5) Convention proceedings not infrequently were marred by disorder, violence, fraudulent manipulation of votes, and unfair rulings. When a warm factional contest was on, chairmen could be found who were never able to see any member of the opposing faction rise to obtain recognition. And in voting orally, a hundred might yell "No," but the chairman would only hear "Yes." A dozen written motions or resolutions might be started toward the chairman's desk, but were likely to be "lost" on the way. And, finally, in the midst of an uproar combining hisses, catcalls, and cheers, the nominations would be declared made, in accordance with the slate of the ruling faction.

Disorderly or Fraudulent Proceedings.

(6) The convention system, by reason of its complexity, especially in the larger states, afforded only a very meagre opportunity for the rank and file of the party to exert any appreciable or decisive influence upon the action of the nominating conventions. In New York state, for example, until the passing of the direct primary law in 1913, the party voters in an election district met in a caucus or primary several months before the election and selected candidates for local offices, a set of delegates to the county

Complexity of the Convention System.

convention, another set to the assembly district convention, a third set to the senatorial district convention, and a fourth set to the congressional district convention. The delegates to the county convention met a little later and selected the party candidates for county offices and a set of delegates to the state convention. Similarly, the delegates to the other conventions met and selected candidates for the legislature and for Congress. Finally, the state convention met and selected the party candidates for the state offices. The voter at the primary could not have the remotest idea as to what candidates for state offices his vote would be instrumental in securing. In the caucus or primary he was acting in the dark. Practically he had either to follow the direction of his party leaders or to do nothing. The result was that the average voter did nothing.[1]

Boss or Machine Control.

Perhaps the most conspicuous evil of the convention system was the ease with which the system lent itself to the establishment and maintenance, year after year, of boss or machine control of nominations. Theoretically, party candidates were named by delegates who had been expressly chosen by the rank and file of the party to represent them in the nominating conventions. In practice, however, the delegates were generally "mere pieces on the political chess-board," and most of them, declared Governor Hughes of New York, in 1909, "might as well be inanimate so far as effective participation in the choice of candidates" was concerned. Most party candidates were, in effect, appointed by those who had not been invested, either by law or by party rules, with any such appointing power. As in the unregulated caucus or primary, nominations were really made by a little group of party bosses, meeting in secret and making up a "slate" or ticket designed primarily to preserve their own control of the party organization, and rarely with an eye single to the best interest of the state or county.[2] Thus it was that conventions

[1] *Outlook*, XCI, 370 (1909).

[2] See quotation from a speech by Governor Hughes, *Outlook*, XCI, 91 (1909). A vigorous arraignment of the convention system by Senator La Follette is printed in C. L. Jones, *Readings on Parties and Elections*, pp. 57-66.

became the "market-places of politics," in which the "trades" were made whereby sometimes well-meaning, but weak and inefficient, at other times strong and efficient but dishonest, men were elevated to important public offices.

Consequences of Machine Control.

In his remarkable fight to overthrow the convention system in New York about 1909, Governor Hughes pointed out four important consequences of boss or machine control of nominations under the convention system. (1) "It has a disastrous result upon party leadership. The power of nominating candidates, which has come to rest largely upon party leaders, is so important that it offers a constant temptation to the manipulation of party machinery for its preservation in the hands of individuals. (2) It tends to discourage party voters from participating in the affairs of the party. The average voter is an infrequent attendant at party caucuses and primaries. The present indirect system of nominating candidates has convinced the average citizen of the futility of any contest in the primaries, and only a small percentage of the enrolled voters go through the motions of voting for delegates already selected for them by the leaders. The primary vote for delegates to conventions is largely cast by those who make more or less of a profession of politics. . . . (3) Candidates too often regard themselves as primarily accountable not to their constituents, nor even in the broad sense to their party, but to those individual leaders to whom they realize they owe their offices, and upon the continuance of whose favor they feel that their political future depends. (4) To the extent that party machinery can be dominated by the few, the opportunity for special interests which desire to control the administration of the government, to shape the laws, to prevent the passage of laws, or to break the laws with impunity, is increased. These interests are ever at work, stealthily and persistently endeavoring to pervert the government to the service of their own ends. All that is worst in our public life finds its readiest means of access to power through the control of the nominating machinery of parties." [1]

[1] *Ibid.;* also *Direct Primary Nominations: Why They Should Be Adopted for New York* (pamphlet), 10.

To remedy the evils or defects of the convention system, a variety of suggestions have been made and a number of experiments have been tried. They fall into two main classes: (1) changes that would retain the convention system, but would so reform it as to do away with its most glaring evils; and (2) changes that aim to bring about the abolition of the convention system, in whole or in part, and to place the right to make nominations directly in the hands of the party voters.

Remedies: *Reformation* of Convention System.

Some of the evils of the convention system have been diminished or eliminated by the adoption of a few simple and intelligent *party rules* providing for some form of registration or enrolment of the party voters; for sufficient notice of the time and place of caucuses or primaries for the choice of delegates; for orderly procedure in primaries and conventions; for the fair and impartial settlement of disputes arising within the party; prohibiting the use of proxies; and declaring all appointive federal, state, county, and municipal office-holders ineligible to serve as delegates in any convention.[1] For such party rules to effect any real reform, however, honest and energetic men must be in control of the committees charged with the enforcement of those rules; but in many places, where the great mass of voters are ignorant or where the machine has secured a grip upon the party organization, it has been impossible to obtain such rules, or else they have proved wholly ineffective.[2] It is through legislation, therefore, that the most serious evils of both the caucus and the convention system have been attacked and when not eradicated have at least been checked. Some of this legislation has been briefly indicated in the preceding chapter: whatever reforms affect the caucus or primary are bound to react on the convention system. Likewise, any adequate reform of the evils of the convention system must take the primaries into account, for the two institutions are vitally related.

Among other suggestions coming from those who seek to reform rather than to abandon the delegate convention are the following: It has been proposed that after the delegates from

[1] Dallinger, Ch. VIII.

[2] *Ibid.*, 172, 199.

the lowest political units have been elected in fair, well-guarded primaries, each town, city, or county delegation to the convention shall elect a chairman or foreman. This chairman, acting for his delegation, shall hand in to the convention all the nominations desired by a plurality of his delegation, and the nominations thus filed by the different delegations the convention shall post on a large bulletin-board and then proceed to vote on such names, and no others, by secret ballot, under the supervision of officials named by public-election commissioners.[1] Another suggestion has been made, to the effect that after securing properly guarded primaries all nominations in conventions should be by printed ballots, each ballot bearing the name of the delegate voting it, and to be given official record. This would make the delegate, it is claimed, directly responsible to his constituents and to the public. Neither of these meritorious suggestions, however, has yet secured any considerable body of supporters.[2]

A third proposal advocates "the referendum in nominations" as a check on arbitrary and irresponsible action by the party organization. Under this system no nomination by a party convention will be accepted as the nomination of the party if within a certain time a petition is filed, signed by a certain percentage of the enrolled voters of the party, asking that the nomination be referred to the party voters. Should the convention have proposed a man for office in opposition to the wish of a majority of the party members, the referendum will give them an opportunity to reject the nomination by direct vote and to make a substitution. In other words, the referendum would place in the hands of the rank and file a veto upon objectionable candidates. The occasion for the actual use of the referendum, it is argued, would rarely arise, yet the possibility of its exercise would prove most beneficial. The serious threat of the referendum would ordinarily be sufficient to cause the party leaders either to accept a compromise or to make the nomination that seemed to be demanded by a

The Referendum in Nominations.

[1] Woodburn, 291.

[2] *Ibid.*

majority of the party. Their practical common sense would not permit them to risk the loss of prestige that an adverse vote would cost.[1] This proposal deserves much wider consideration than it appears to have received. It might conceivably afford a fairly satisfactory compromise between the supporters of the direct primary and those who advocate the restoration of the convention system in states where it has been superseded in whole or in part by the direct primary.[2]

More Radical Remedies: Petition or Direct Primary.

Two important movements go much further in combating the evils of the convention system than any thus far considered, namely, nomination by petition or by "nomination papers" and nomination by direct primary elections. Both of these movements look upon the nominating convention as so inherently bad that it cannot be reformed, and therefore seek to abolish it.

Nomination by petition has been extensively advocated, and, in a considerable number of cities, is now in use for the nomination of candidates for municipal offices,[3] usually in connection with non-partisan elections. Petitions signed by a specified number of qualified voters, the number being roughly proportioned to the importance of the office sought, entitle candidates to have their names printed upon the official ballot used in the final election—an arrangement far simpler and less expensive all around than the old system of primaries and conventions. Thus far, however, the system has been given little trial outside the field of local government.

The movement for *direct primary elections* does not go so far in its antagonism to the convention system. True, it seeks to abolish the nominating convention entirely; but where this cannot be accomplished at once, it is content to bring about a partial or gradual abolition. A number of states, for example, have dispensed with the nominating convention for the nomi-

[1] R. H. Whitten, "Referendum in Party Nominations," *Municipal Affairs*, VI, 180 (1902).

[2] See Ch. VI, pp. 105–106.

[3] For example, Boston, Pittsburgh, Cleveland, and San Francisco. It is also the method by which candidates for the English House of Commons are named.

nation of candidates for local and county offices and for members of the state legislature, at the same time retaining the state convention for nominations for the highest elective state offices. Again, the direct primary election movement differs from the system of nomination by petition in that it retains the primary system and makes that system the all-important factor in the nominating process. Direct primary elections will be more fully discussed in the following chapter.

QUESTIONS AND TOPICS

1. Trace the early development of nominating conventions in Massachusetts, Pennsylvania, and Rhode Island.

2. Discuss the early political uses of the word "convention."

3. (*a*) If the convention system exists in your state, what is the law regarding the time of holding city, county, and state conventions and the time within which certificates of nomination must be filed?

(*b*) How are the delegates to the county, district, and state conventions chosen, in theory and in actual practice?

4. How may vacancies occurring in a party ticket before the election be filled in your state?

5. What qualifications are prescribed by the constitution or laws of your state for county and state officers?

6. Describe the preliminaries and procedure of a county or legislative district convention. (See Dallinger, Ch. II.)

7. Describe the preliminaries and procedure of a state convention. (See Dallinger, Ch. III, and Jones's *Readings*.)

8. Discuss the operation of the laws of those states which permit nominations by petition for municipal offices.

9. European methods of making nominations. (See Lowell's *The Government of England*, and *Government and Parties in Continental Europe*, Munro's *Government of European Cities*, Ogg's *The Governments of Europe*.)

10. Make a list of the state and county officials in your state who are elected by popular vote.

11. How has the method of nomination by petition worked out in Boston? (See Munro, *Government of American Cities* (3d ed., 1920), Ch. VI.)

12. The composition and functions of the county convention and state convention in Illinois under the direct primary law of 1913.

13. Discuss the merits of the proposal for a referendum on convention nominations. (See Whitten.)

CHAPTER VI

THE DIRECT PRIMARY METHOD OF NOMINATION

WHERE the system of nomination by direct primary election is operative most, if not all, of the candidates who have hitherto been named *indirectly* through delegate conventions are now nominated *directly* by the party voters *at the primaries*. Hence the name *direct* primary. These primaries, however, are quite unlike the unregulated caucuses or primaries described in Chapter IV. They are usually conducted under state laws, by the regular election officials, at the places where the regular elections are held, and are accompanied by all the formalities and safeguards which surround a regular election; hence the expression, direct primary *election*.

Scope of Direct Primary Laws.

The movement for the substitution of the direct primary for the delegate-convention system, described in the preceding chapter, has spread rapidly during the past ten or fifteen years, until at the present time (1924), only three states[1] are without the direct primary in some form. The extent to which it is employed varies a good deal from state to state.

Optional and Mandatory Primaries.

(1) In half a dozen states,[2] the primary law permits the different political parties to decide whether or not the direct primary method shall be used, the decision for each party being made by its state central committee with respect to state and congressional offices, and by county or other local committees with respect to other offices. Such laws are commonly called *optional* primary laws, in order to distinguish them from the *mandatory* laws which are found in

[1] New Mexico, Connecticut, and Rhode Island. See C. Kettleborough, "Direct Primaries," *Annals*, CVI, 11–17; "A Digest of Primary Election Laws," *ibid.*, CVI, 181–273 (1923).

[2] These states are (1924) Alabama, Arkansas, Delaware, Georgia, Kentucky, and Virginia.

the other thirty-nine states. In states with mandatory laws, however, it is not uncommon to find an optional primary authorized under some special circumstances for offices covered by the mandatory provisions of the law. For example, the appropriate party committees are often permitted to determine whether vacancies in the party ticket arising before the election shall be filled by a direct primary or in some other way. In Michigan the use of the direct primary for the nomination of municipal officers in the smaller cities, and village and township officers, is left optional with the voters of the political unit concerned, the matter being decided in a popular referendum.

(2) The direct primary, whether optional or mandatory, does not necessarily apply to *all* elective offices; in a few states[1] it is restricted to local offices, some or all of the important state offices, and sometimes congressional offices also, being excluded from its application.

(3) In the great majority of states, however, the direct primary applies to the nomination of practically all national, state, and local officers, although even in these states it is not uncommon to find certain exceptions, as in Illinois, where presidential electors and candidates for trustees of the state university are nominated by the state convention of each party. These states are commonly said to have a "state-wide direct primary." [2]

Features Common to Most Primary Laws.

Although the laws of different states naturally show great variations in matters of detail, it is possible to obtain a fairly correct notion of their essential features by noting some of the main points which are common to most of them.

(1) In only eight states are the rules laid down in the direct primary laws binding upon all political parties.[3] Generally, the primary law applies only to parties which have attained a cer-

[1] Indiana, Maryland, New York, Utah, Florida, and Kentucky. Indiana permits a preferential primary vote on governor and United States senator.

[2] In about half the states party committeemen are also elected in the direct primary. See Chapter IX.

[3] Kansas, Georgia, Arkansas, South Dakota, South Carolina, Oklahoma, Mississippi, and Montana.

tain voting strength; all parties falling below this standard are permitted to make nominations in some other manner. The criterion is often the total vote cast for governor at the last general election, or the vote for some local office in the case of local nominations. The required vote varies from one per cent in Maine, Nebraska, and Wisconsin, up to twenty per cent in Oregon and Kentucky, and twenty-five per cent in Alabama and Virginia; the most common requirement being ten per cent. In a few states, a definite number of votes is required, as 15,000 in New York and 100,000 in Texas.

Parties Concerned.

(2) The primaries of the different parties are held on the same day, and usually at the same place in each voting precinct; and these places are the ones customarily used for regular election purposes.[1] Primaries preceding a general state election are usually held in the even-numbered years, and are scattered all along from June to September, most of them occurring in August and September. Municipal and presidential primaries are not infrequently held on other dates. In any event, the regular election officials preside, and the polls remain open a specified number of hours, as at a regular election.

Time and Place.

(3) Some form of the Australian secret ballot is used; and usually the ballots of all parties are of uniform size, shape, and color,[2] and are printed at public expense. Generally there is a separate ballot for the candidates of each party, but a very few states[3] have employed a single sheet on which the names of candidates were printed in columns as in the well-known "party-column" ballot used at elections. The order in which names of candidates appear on the ballot is

Ballots.

[1] An exception is to be found in the case of Idaho, where a law passed in 1919 provided for holding party primaries in separate polling-places.

[2] In New York and a few other states the primary ballots of the various parties are printed on paper of different colors, only the sample ballots being on white paper.

[3] For example, California and Colorado under laws no longer in force. In California all the columns were stamped "cancelled" except the column of the party to which the voter belonged.

always specified in the law. Names are of course grouped by offices, and in each group they are usually in alphabetical order. Some states provide that the names shall be rotated; that is, A's name will stand first on say a hundred ballots, then go to the foot of the list, so that B may enjoy the advantage that attaches to the first place on an equal number of ballots; and so on through the list.[1]

(4) All names printed on the official primary ballot appear there as the result of filing nomination papers or petitions a certain number of days before the primary. These petitions must bear the signatures of a specified number or percentage of qualified voters, varying all the way from one-half of one per cent up to ten per cent. In some states a percentage is required for some offices and a definite number for others.[2]

Petitions.

(5) Nominations are generally made by a plurality vote, although in a few states a certain percentage of the party vote is required. In Iowa, for example, if none of the candidates for any office covered by the primary law polls thirty-five per cent of the total party vote in the primary, the selection of a candidate for that office is left to the action of a delegate convention. Whenever there are three or more candidates, the plurality rule may easily result in the nomination of a candidate supported by only a

Vote Required to Nominate.

[1] In Iowa the names of candidates for the United States Senate and for state offices are placed in alphabetical order in the county in which their party cast the largest vote at the preceding general election. In other counties the names are rotated as explained above. See F. E. Horack, "The Workings of the Direct Primary in Iowa, 1908–1922," *Annals*, CVI, 148–157 (1923).

[2] In some parts of the country it is customary for aspirants for nomination to bring their respective candidacies to the attention of the voters by advertisements in newspapers like the following, taken from a recent Texas paper:

"I hereby announce myself as a candidate for Congress from the 14th Congressional District, subject to the action of the Democratic primaries in July. Harry Hertzberg."

The same issue of this paper carried similar notices by persons desiring nomination for justice of the peace, sheriff, state senate, constable, and county commissioners.

minority. To insure, therefore, a closer approximation to majority nominations, a few states have tried the preferential system of voting, under which each voter is given an opportunity to express his first, second, and sometimes his third, choice on the ballot.[1]

Party Tests.

(6) The right to participate in making party nominations is commonly restricted to those who are able to comply with some sort of a test of their party allegiance, or who have been previously registered or "enrolled" as members of one party or another. Such primaries are called "closed" primaries in order to distinguish them from the "open" primaries found in Wisconsin and Colorado, where a voter may help nominate the candidates of any party, and no attempt is made to prevent Democrats from taking a hand in Republican nominations, and vice versa. In seven states party committees are given unrestricted freedom in devising and imposing the test of party membership; but in all the rest the test is definitely set forth in the primary law, and further tests, imposed by party committees, are authorized in only half a dozen states. The tests employed vary a good deal from state to state, but in general fall into one or another of four main classes. (*a*) A very few states base the test solely upon the *future intention* of the voter. If he intends, for example, to vote for a majority of the Republican candidates at the next election, he will be allowed to vote in the Republican primary despite the fact that he may have been a lifelong Democrat. (*b*) Other states, although few in number,

[1] For a fuller explanation of the preferential system, see Chapter XIII. The states which have tried it in connection with primaries are Alabama, Arizona, Florida, Idaho, Indiana, Maryland, Minnesota, North Dakota, and Wisconsin. All but Florida and Maryland have abandoned it. In these two states voters may express only their first and second choices. Five Southern states (Georgia, Louisiana, Mississippi, South Carolina, and Texas) require a majority vote to nominate. If no candidate obtains a majority, a second, or "run-off," primary is held in which only the two highest candidates are voted for. In Tennessee also a run-off primary is provided for, but only in case there is a tie vote. See B. H. Williams, "Prevention of Minority Nominations for State Offices in the Direct Primary," *Annals*, CVI, 111–115 (1923).

base the test upon the *previous* party affiliation of the voter, and persons who have voted the Democratic ticket or participated in Democratic primaries in the past are debarred from taking part in the Republican primary, at least until after a certain period has elapsed since they last voted at a primary. In Illinois, for example, a person who has participated in a Democratic primary may not take part in a Republican primary until an interval of two years has elapsed. (*c*) A much larger group of states base the party test upon the *present* affiliation of the voter. (*d*) In the largest group of states, the tests are a combination of two or more of the foregoing.[1] Whatever the form, the purpose back of these party tests is the same, namely, to insure that the nominations of each party are the work of the bona-fide members of that party, and are not the result of Democrats "raiding" Republican primaries to assist in the nomination of weak candidates, or vice versa. In other words, the party test is designed to insure party responsibility for the character of the nominations made in the primary.[2]

Enrolment.

(7) In about a dozen states no formal record is kept of the party affiliations of those who attend a primary; and in such states the tests of party allegiance amount to little in practice, being applied only when a voter's right to the Republican ballot, for example, is challenged at the polls on primary day. But in the majority of direct primary laws, the test is applied in connection with a formal

[1] See W. McClintock, "Party Affiliation Tests in Primary Election Laws," *Am. Pol. Sci. Rev.*, XVI, 465–467 (1922). See also R. C. Brooks, *Political Parties and Electoral Problems* pp. 248–252 (1923).

[2] A special session of the Texas legislature in 1923 enacted the following astonishing act discriminating against negro voters: "All qualified voters under the laws and constitution of the state of Texas, who are bona-fide members of the Democratic party, shall be eligible to participate in any Democratic party primary election, provided such voter complies with all laws and rules governing party primary elections; however, in no event shall a negro be eligible to participate in a Democratic party primary election held in the state of Texas, and should a negro vote in a Democratic primary election, such ballot shall be void and election officials are herein directed to throw out such ballot and not count the same." Quoted in *Am. Pol. Sci. Rev.*, XVIII, 314 (1924).

registration, or "enrolment," as it is usually called, of the members of each party. Where personal registration is a prerequisite to voting, the voter on registering is given an opportunity (which he is permitted to decline) of declaring his party affiliation. From the record of such declarations a list of party voters is made up, and this serves as the voting-list for the ensuing primary election. Such a system exists at present in New York, where a voter is required to fill out a blank stating the party with which he intends to participate. At the same time he subscribes to the following declaration: "I am in general sympathy with the principles of the party which I have designated by my mark hereunder . . . it is my intention to support generally at the next general election, state or national, the nominees of such party for state and national offices." Ordinarily, however, voters are not required to file any formal statement of their party affiliation; they merely declare to the enrolling officials (usually when they go to register as voters) that they wish to enroll with the Republican, Democratic, or Socialist party, as the case may be, whereupon their names are promptly inscribed on the voting-list of that party. The test is applied only when their right to enroll with that party is challenged, and in practice this seldom occurs. Where enrolment is required, of course no one is allowed to vote in a party primary whose name is not on the party voting-list.[1]

(8) From what has preceded it will be seen that the direct primary system ordinarily presupposes the existence of party organizations based almost wholly upon national political issues.

The Non-Partisan Primary.

But the feeling has been spreading of late years that national party lines have no proper place in the nomination and election of local and state officers.[2] The result is that more than thirty states now permit the

[1] When partisan and non-partisan nominations are to be made at the same primary, voters who have not been enrolled in any party are permitted to have and to mark the non-partisan ballot, although they are not allowed to have any party ballot. Any legal voter in the precinct is entitled to participate in the selection of non-partisan candidates.

[2] See Chapters IV and XIII.

"non-partisan" nomination and election of certain classes of officials. These classes comprise (*a*) city officials, especially in commission-governed cities, township and school-district officials, and, less frequently, county officials; (*b*) judges of state and local courts in a few states;[1] (*c*) a very few state administrative officials, like the superintendent of public instruction (Montana); and (*d*) the members of the Minnesota and North Dakota legislatures.[2]

Operation of Non-Partisan Primaries.

Non-partisan primaries are usually held on the same day and at the same places as party primaries; but the names of candidates are printed on a special ballot, separate and distinct from the party-primary ballots and bearing no indications whatever of the party affiliations of those whose names appear thereon; hence the name, *non-partisan* primary. No previous enrolment is necessary to enable a qualified voter to participate. All voters, enrolled and unenrolled, use uniform ballots, and there is no necessary disclosure of any voter's party affiliation. The two candidates polling the highest number of votes for each office have their names printed upon the official ballot used at the ensuing election, where again party designations are entirely absent. In one or two cities[3] a candidate who receives a clear majority of votes cast at the primary is declared elected; but in most places the non-partisan primary becomes "a sort of qualifying heat which eliminates the weaker contestants from the final race," thus insuring election by a majority, rather than a plurality, of the polled vote.[4]

In many places, too, the non-partisan primary has accomplished its main purpose, namely, the elimination of national

[1] Iowa tried the non-partisan nomination and election of judges for a few years, but abandoned it in 1917. In Pennsylvania the system was in use for nearly ten years, but was abandoned in 1921.

[2] In 1923 North Dakota provided for the non-partisan nomination and election of all her state officers, including members of the legislature. For an excellent discussion of non-partisan primaries and elections, see R. E. Cushman, "Non-Partisan Nominations and Elections," *Annals*, CVI, 83–96 (1923).

[3] For example, the Chicago aldermanic elections.

[4] W. B. Munro, *The Government of American Cities* (3d ed., 1920), p. 132.

party lines from local elections. In other places where party organizations are vigorous and active the year round, the results have proved distinctly disappointing; notably, in Pennsylvania, where the non-partisan nomination of judges and city officials in second and third class cities usually produced candidates who were only nominally non-partisan. Actually, the machine leaders simply agreed in advance upon those whom "the organization" would support and passed word to the rank and file, who ordinarily voted in the manner thus suggested. Elsewhere, too, successful candidates frequently owe their nomination to the fact that they are supported by their respective party machines. In fact, the party allegiance of each candidate is generally pretty well known before the day of the primary or election. "It is broadcast by the newspapers and placarded upon the billboards. The appeal of the candidates, often openly but more often in whisperings, is made to the party traditions and prejudices of the voters. Through the external guise of non-partisanship there often glows the white heat of a fierce party struggle." [1]

Results.

The foregoing are the principal and characteristic features of the direct primary system. As was stated at the beginning of this chapter, the direct primary has come into general use as a *substitute* for the convention system described in the preceding chapter. When it first appeared the most optimistic of its advocates seemed to regard it as a panacea, and to believe that, like a magnet, it would draw every indifferent voter to the polls, and thus inaugurate an era of political purity. Of course no such millennium, or near-millennium, has yet dawned. On the other hand, opponents of the direct primary have often been equally at fault in judging the system by a standard of absolute perfection. The fairest method of arriving at a decision respecting its value is to compare results under the direct primary and under the convention system. Even here there is much room for difference of

Merits of the Direct Primary.

[1] W. B. Munro, *Municipal Government and Administration*, I, 264 (1923). See also, V. Rosewater, "Omaha's Experience with the Commission Plan," *Nat. Mun. Rev.*, X, 281–286 (1921).

opinion, because results have varied greatly from state to state, and even from election to election in the same state; so that conclusions that are warranted for a given time or place may not hold true under other circumstances. Space permits of an enumeration of only the most important advantages claimed for the direct primary and the most important objections that have been urged against it.

(1) It should be perfectly obvious that when the rank and file of the party have it in their power to determine the party candidates, as under the direct primary, each individual member of the party is able to exert a much more *direct* influence upon nominations than when the candidates are picked by a convention of delegates. This direct influence may not always be exerted, but the mass of voters know it is there and that it can be used effectively if occasion requires.

More Democratic than the Convention System.

(2) The direct primary has generally brought out a much larger vote for candidates than was cast for delegates under the old convention system. Whereas it seldom happened that more than ten per cent of the voters came out to choose convention *delegates*, from twenty-five to seventy-five per cent of the party voters quite regularly come out to choose *candidates* in the direct primary; and when competition is especially keen from fifty to eighty-five per cent come out.[1] The smallest votes are naturally found in the case of minority parties in one-party states and counties; and even in the dominant party, the primary vote is apt to be comparatively light whenever there is little competition. Nevertheless, the vote under the direct primary, on the whole, far exceeds that under the delegate plan.[2]

Increased Vote in Primaries.

[1] *Direct Primary Nominations . . . for New York* (pamphlet, 1909), p. 15.

[2] In 1920 only about half the adult citizens of the United States exercised the right to vote in the presidential election that year. "To condemn the direct primary vote because all the party voters do not participate in it is like condemning universal suffrage because all who are eligible do not vote." See C. E. Merriam, "Nominating Systems," *Annals*, CVI, 1–10 (1923). Under the open primary system in Wisconsin, the vote in the Democratic primary has steadily diminished. See A. B. Hall, "The Direct Primary and Party Responsibility in Wisconsin," *Annals*, CVI, 40–54 (1923).

(3) The direct primary takes away from the politicians much of their former control over nominations and places that control more nearly in the hands of the people. The result is to make "the elective officer more independent of those who would control his action for their own selfish advantage, and enables him to appeal more directly to his constituency upon the basis of faithful service." Thus it proves "a strong barrier against the efforts of those who seek to pervert administration to the service of privilege or to secure immunity for law-breaking." [1]

Weakens Machine Control.

(4) When the direct primary first appeared it was frequently claimed that the system would secure the nomination of better candidates, men of higher caliber, by making their selection depend upon the presentation of their claims directly to the voters rather than upon secret intrigues with convention manipulators. Whether or not this result has been realized is largely a matter of opinion and cannot be conclusively demonstrated. Apparently, taking the country as a whole, there has been no very marked change in the character of candidates for elective public offices; at all events candidates under the direct primary are no worse than the general run under the convention system. A conservative statement would be that the direct primary probably makes it easier for a conspicuously fit candidate without any organization behind him to come forward with a fair chance of winning, and at the same time makes it easier to defeat a conspicuously unfit candidate, or one whose alliances are conspicuously unfit.

Affords an Opportunity for Better Candidates.

(5) Under the direct primary, bribery and other forms of corruption, while not eliminated, are at least rendered much less potent in determining nominations than under the convention system. In a close contest under the old system there was every temptation and abundant opportunity to bring corrupt influences to bear upon delegates whenever the change of a few votes would affect the result. Corruption in one form or another may, of course, be

Diminished Corruption.

[1] Governor Hughes, quoted in *Outlook*, XCI, 91 (1909).

resorted to in connection with the direct primary, but, obviously, it is far more difficult for corruption to exert a *decisive* influence upon the result of a direct primary than upon the result of a delegate convention.[1]

The foregoing are the principal positive claims advanced in support of the direct primary. Against the system a large number of objections have been raised, usually by professional politicians who, as a class, are almost a unit in their desire to return to the convention system. Irrespective, however, of the character of the objectors, the objections themselves deserve consideration. Indeed, part of the defense of the direct primary consists in considering and answering the objections of its opponents.

(1) Against the claim that the direct primary tends to reduce corruption, opponents assert that, far from being diminished, corruption has actually increased under the direct primary. The new system, they say, "tends to promote, rather than to check, electoral corruption. A primary election is merely another election and, as elections are now conducted, we have enough of them. A primary is merely another opportunity for the 'floater' and the 'grafter.' A large and corrupt use of money is encouraged." [2] Unfortunately it is impossible to prove this contention, for in the nature of the case conclusive evidence one way or the other is almost entirely lacking; so it will probably always remain a matter of opinion. But it should be remembered that while voters may be bought and sold in direct primaries, and sometimes are, they may also be bought and sold in electing delegates; and in addition to that the delegates may be bought and sold.[3]

Objections to the Direct Primary: Increased Corruption.

(2) Opponents of the direct primary insist that the character

[1] "It cannot be forgotten that the conventions have often been controlled by small groups of men . . . who have bought and sold delegates like so many cattle, either by direct cash payments or by indirect but material inducements. . . ." C. E. Merriam, "Nominating Systems," *Annals*, CVI, 3 (1923).

[2] H. J. Ford, "The Direct Primary," *No. Am. Rev.*, CXC, 1 (1909).

[3] C. E. Merriam, "Nominating Systems," *Annals*, CVI, 3 (1923).

and efficiency of public officials have not been improved. Standing by itself, this of course would not be a sufficient reason for going back to the convention system. It is generally conceded that direct primary candidates are at least seldom inferior to candidates named by conventions. It should be remembered in this connection that "the chief aim of the direct primary was not to increase the efficiency of government; it was to insure that whatever the government was—whether good or bad—the voters should have their will about it, and not have to accept a government at the hands of party organizations." [1] "The direct primary cannot guarantee the uniform choice of competent men any more than the election system itself can insure such selections. It opens an easier avenue of approach, but cannot carry us through to the goal." [2]

Produces No Better Officials.

(3) The direct primary makes it virtually impossible for any one "excepting moneyed men or demagogues" to be elected to office, because of the great expense involved in canvassing for two elections, the primary and the regular election which follows.[3] Numerous instances of large primary expenditures by wealthy candidates can be cited in support of this claim. One case in point is that of Mr. Stephenson, who expended $107,000 in a campaign for the Republican nomination for United States senator in Wisconsin. Later this campaign was made the subject of an exhaustive congressional investigation. A majority of the committee reported that evidence was lacking which would prove that even this enormous sum was corruptly expended. In Pennsylvania a candidate for representative in Congress spent over $47,000.

Favors Wealthy Candidates.

[1] V. J. West, "The California Direct Primary," *Annals*, CVI, 123 (1923).

[2] C. E. Merriam, "Nominating Systems," *Annals*, CVI, 6 (1923).

[3] In the municipal direct primary in Chicago in 1911 Mr. Merriam, one of the candidates for the Republican nomination, made a demand for the publication of campaign contributions and expenditures after audit by an expert accountant. Sworn statements were made by all except two candidates, and they showed expenditures ranging all the way from $10,000 to $30,000. See H. L. Ickes, "Primary Election Expenses in Chicago," *Nat. Mun. Rev.*, II, 657–660 (1913).

The expenditures by Mr. Vance McCormick, Democratic candidate for governor in Pennsylvania in 1914, in connection with the direct primary, were over $33,200; and in the same primary Senator Penrose expended over $14,600. These items do not include other disbursements by political committees in behalf of these candidates. In the Michigan primary in 1918, $195,000 was expended in behalf of the nomination of Truman H. Newberry for the United States Senate.[1] In 1922 Gifford Pinchot spent over $117,000 in his campaign to secure nomination as the Republican candidate for governor in Pennsylvania.[2]

On the other hand, "striking instances show that the lack of money is not a handicap if a candidate goes to the people with issues in which they are interested. In Washington, Senator Jones, a comparatively poor man, won against a millionaire rival who spent money freely. Joseph L. Bristow won the nomination in Kansas against Chester I. Long. Long spent seven times as much as Bristow. Senator Johnson, of North Dakota, a farmer of moderate means, spent 'almost nothing' against three competitors who spent altogether over $200,000. Governor Warner, of Michigan, made the statement that in a contest for governor, just before the change to the new system, 'more money was expended than will be used in the next ten years under the direct voting system.' One well acquainted with conditions in New Hampshire says: 'In New Hampshire less money has been spent for nominations under the primary than under the old system.'" [3] Writing in 1923 with this point in mind, Senator G. W. Norris, of Nebraska, stated that "from my personal acquaintance with public officials, I am satisfied that the direct primary has been instrumental in putting more poor men into office than the convention system. I have no doubt of the truth of this statement. I think the United States Senate is a demonstration of this proposition. There are a great many members of that body whom I could name, who would

[1] See Chapter XI.

[2] Of this amount Mrs. Pinchot contributed $29,500. R. C. Brooks, *Political Parties and Electoral Problems* 333 (1923).

[3] Professor G. G. Groat, University of Vermont.

not be there if it were not for the direct primary, and most of them are poor." [1]

(4) Inasmuch as the expense of conducting direct primary elections is borne by the public, it is argued that the system involves a large increase in taxation.[2] It must, of course, be admitted that duplicating our regular elections with a primary conducted with all the formalities of a regular election has undoubtedly increased taxation to some extent, for under the old system the immediate and direct cost to the state was nothing. But the real question is whether the direct primary is worth the cost. It was adopted for the express purpose of doing away with the evils of the convention system, and we must expect to pay the bill.[3] When reduced to a per capita basis, however, it will be found that the cost is generally much less than might be inferred from the statements of opponents; rarely will it be found to exceed a small fraction of a dollar per capita. If the convention system were restored, under regulations whereby delegates were chosen in state-regulated primaries instead of in the old unregulated caucuses, the cost to the tax-payers would be about the same as under the direct primary. There would be the same items of expense—the rental of polling-places, payment of election officials, printing of ballots, the canvass of votes—and these

Increased Taxation.

[1] G. W. Norris, "Why I Believe in the Direct Primary," *Annals*, CVI, 22–30 (1923). ". . . There is little evidence to indicate and none to demonstrate that the use of wealth in direct primaries is more effective than in the election of delegates and the control of conventions. The real question is . . . whether plutocratic tendencies control more easily under one system than another. On the whole the elaborate mechanism of conventions is more easily managed by special interests than is the primary. . . ." C. E. Merriam, "Nominating Systems," *Annals*, CVI, 3 (1923).

[2] The Illinois direct primary held in April, 1916, at which only the delegates to the national convention and the county and ward committeemen were chosen, is stated to have cost the taxpayers of the state approximately $700,000.

[3] Professor V. J. West estimates that the cost of the California direct primary in 1922 was about seventy cents *per voter* who participated. *Annals*, CVI, 121 (1923). On a per capita basis this would come to only about one-fifth of that amount. For facts relating to the cost of the May, 1914, primary in Pennsylvania, see Philadelphia *Public Ledger*, May 31 and June 1, 1914.

are as high under one system as under another. "If all direct primary laws were repealed and the regulated delegate system retained, the public expense would not be materially reduced." [1]

(5) The preceding objection leads to the consideration of another oft-repeated claim, namely, that the direct primary puts candidates to much greater expense than the old system. This again is not easily provable, for there are no official records of the amounts spent by candidates in rounding up delegates under the convention system. Whenever there is a real contest, be it under the convention system or under the direct primary, the cost will be about the same, since the objective of the rival candidates in either case will be to get their claims presented to as many voters as possible.[2] If there is no contest, there will be little or no expense to candidates whether the primary or convention system is used.

Greater Expense to Candidates.

One reason often given for this supposed increased expense to candidates is that the direct primary extends the campaigning season over an unnecessarily long period. But it should need no argument to show that there is no limit to the time a candidate can spend in his campaign under either the direct primary or the convention system; in either case he will try to reach just as many voters as his own time and resources will permit. Moreover, the politicians in the legislature are the ones usually responsible for whatever dates may be fixed for holding the direct primary. All they have to do, if the primary has

[1] C. E. Merriam, *op. cit.*

[2] Some data bearing upon the question of the expensiveness of the direct primary to candidates may be obtained from the following references: A. C. Millspaugh, "Operation of the Direct Primary in Michigan," *Am. Pol. Sci. Rev.*, X, 710 ff. (1916); V. J. West, "The California Direct Primary," *Annals*, CVI, 116–127 (1923); R. S. Boots, *The Direct Primary in New Jersey* (1917); H. Feldman, "The Direct Primary in New York," *Am. Pol. Sci. Rev.*, XI, 494–518 (1917); F. E. Horack, "The Workings of the Direct Primary in Iowa," *Annals*, CVI, 148–157 (1923); F. H. Guild, "The Operation of the Direct Primary in Indiana," *Annals*, CVI, 172–180 (1923). In 1924 Senator Brookhart, of Iowa, was renominated in a contested primary with a personal expenditure of less than $50. He remained in Washington throughout the primary campaign and won by a majority of nearly 40,000.

been placed too far away from the regular election, is to amend the law so as to bring the two elections closer together. On the other hand, there are numerous instances where primary dates, originally set for August or September with the election occurring in November, have afterward and at the behest of politicians themselves been set back to the spring or early summer months.

(6) The direct primary tends to weaken and disorganize the party, and to promote and perpetuate factional differences, since it is much more difficult to harmonize differences and jealousies and misunderstandings than when party leaders can come together at frequent intervals in conventions and arrange compromises. The direct primary, furthermore, affords no security for a geographical distribution of candidates, calculated to strengthen the party throughout the state. Effective party government, it is said, "requires a constant process of compromise between the different elements in the party, and that the direct primary makes comparatively impossible in the selection of a ticket, and extremely difficult in the formulation of a party platform. . . . Unless there is such a spirit of accommodation and adjustment, the party will be driven upon the rocks of factional disaster. . . ." [1] The recent history of the Republican party in Wisconsin is cited as an example of the way in which the direct primary accentuates and perpetuates factionalism.

Weakens the Party Organization.

It must be frankly admitted that the direct primary does not provide as easy nor as sure a way of making up either a compromise or a "balanced" party ticket as the convention system. Under the direct primary it may easily happen that the leading candidates for state offices all come from the same section of the state while other sections and certain social, religious, or economic groups may be wholly unrepresented on the state ticket—a situation which would never be permitted to arise under the convention system where the leaders could get together and parcel out places on the ticket to the various sections or groups in the state. This may be considered a serious

[1] A. B. Hall, "The Direct Primary and Party Responsibility in Wisconsin," *Annals*, CVI, 40–54 (1923).

defect from the standpoint of the practical politician, but it is not clear that the so-called well-balanced ticket is essential to the welfare of the state; nor is it clear that any state has suffered in any marked degree from the success of "unbalanced" tickets.

Destroys Party Responsibility.

(7) Under the convention system it is claimed that the party, as an organization, could be held responsible both for the ticket of candidates submitted to the voters and for the official conduct of those elected, while under the direct primary the party as an organization can be held responsible neither for the character of nominations, nor for the conduct of elected officials. Opponents of the direct primary are constantly urging the importance of going back to the convention system so as to restore this lost party responsibility. "Politicians, political bosses, corporations, and combinations seeking special privilege and exceptional favor at the hands of legislatures and executive officials, always urge this as the first reason why the direct primary should be abolished." [1]

In this argument, however, there is often much insincerity. When amendments have been proposed to direct primary laws whereby a greater degree of responsibility could be enforced upon party organizations, these ardent advocates of increased "responsibility" have rarely been found supporting such measures; they usually have had some convenient alibi. Furthermore, there is good reason for thinking that the degree of party responsibility which is said to have existed under the convention system has been greatly exaggerated. But granting all that has been claimed for it, there are a good many people who, like Senator Norris, regard the lowering of this responsibility as one of the chief reasons for adhering to the direct primary; for, as he puts it, instead of party responsibility, the direct primary establishes individual responsibility. "It does lessen allegiance to party and increases individual independence, both as to the public official and as to the private

[1] G. W. Norris, "Why I Believe in the Direct Primary," *Annals*, CVI, 23 (1923).

citizen. It takes away the power of the party leader or boss, and places the responsibility for control upon the individual. It lessens party spirit, and decreases partisanship. These are some of the reasons why the primary should be retained and extended." [1]

(8) The new system has neither dethroned the political boss nor put the machine "out of business." It does not remove any of the conditions which have produced the system of machines and bosses, but intensifies their pressure by making politics still more confused, irresponsible, and costly. It parallels the long series of regular elections with a corresponding series of primary elections in every regular party organization. The more elections there are, the larger becomes the class of professional politicians to be supported by the community.

Intensifies Machine Control.

Again it has to be admitted that there is much truth in this claim. The political machine has not been smashed or permanently disabled; and anything that tends further to complicate our already complex election system deserves to be rejected unless there are compensating advantages. Although bosses and machines continue to exist and to play an important part in primaries and elections, it is nevertheless true that under the direct primary many candidates have been nominated and elected who never could have obtained a nomination from the political machine under the old system. The recent nomination and election of Governor Pinchot in Pennsylvania, of Senator Brookhart in Iowa, and Senator Howell in Nebraska, and the nomination of ex-Senator Beveridge in Indiana, to mention only a few instances, are "conspicuous illustrations of the effect of the direct nominating system in enabling the sentiment of the voters to find expression in opposition to party machines. In none of these cases is it probable that the successful candidate would have been victorious under the delegate system. The margin that spelled success came from groups of voters who would not have elected delegates, but who gave votes enough" to these candidates to turn the scale.[2]

[1] W. B. Norris, *op. cit.*

[2] C. E. Merriam, *op. cit.*

(9) The direct primary tends to a multiplicity of candidates, with a resulting confusion of the voters. The "ring" influence can easily cause a number of respectable candidates to be brought out, in order to divide the anti-machine vote, while the candidate really favored by the ring or machine may easily obtain a larger number of votes than any of his opponents, and under the usual plurality system is declared nominated.[1]

Increases the Number of Candidates.

This has actually happened more than once, and is unquestionably a defect, but a defect more properly chargeable to the plurality system than to the direct primary.[2] The avalanche of candidates which was freely predicted when the direct primary was first under consideration has rarely appeared. Studies

[1] The existence of hostile factions in both the Republican and Democratic parties in Illinois is the chief explanation of the large number of candidates appearing in the following table of primary candidates in September, 1916.

OFFICE	DEMOCRATIC	REPUBLICAN	OFFICE	DEMOCRATIC	REPUBLICAN
Governor	3	3	State senator:		
Lieutenant-governor	2	7	2d district	9	2
Secretary of state	5	7	4th "	9	4
Auditor of accounts	6	10	6th "	2	6
State treasurer	2	5			
Attorney-general	1	6	Representative in General Assembly:		
Congressmen at large (2)	5	9	2d district	9	5
			3d "	11	6
Representatives in Congress:			4th "	9	10
2d district	5	2	5th "	10	17
3d "	5	2	6th "	6	10
4th "	3	5	7th "	6	9
6th "	4	6	9th "	9	4
7th "	6	6	11th "	10	5
8th "	7	5	13th "	7	8
			15th "	16	1
State Board of Equalization:			17th "	10	3
1st district	5	7	19th "	18	9
2d "	2	9	21st "	8	13
3d "	4	5	23d "	6	10
4th "	3	6	25th "	10	10
5th "	8	3	29th "	4	9
6th "	7	7	31st "	6	12
7th "	8	5			
8th "	9	8			
10th "	2	7			

[2] "If the direct primary should be abolished because the nominee is sometimes voted for only by a minority, then, likewise, the convention should be abolished because there is no way of telling that the nomination is favored by a majority of the party. This objection applies both to the convention and to the direct primary." W. B. Norris, *op. cit.*

of the operation of the system in Maine, Iowa, Indiana, and New York indicate clearly that the direct primary has had little or no effect upon the number of candidates running for office; and there is no reason to suppose that the situation in other states in this respect is very different.

(10) Before the country had had much actual experience under the direct primary, it was claimed that the system would favor populous centres at the expense of rural communities and that "city" candidates would soon monopolize the important offices. An examination of the roster of state officers for any given election will quickly place one in possession of the facts on this score, so far as one's own state is concerned. But such facts as have been published indicate that, for the country as a whole, candidates from rural districts or small cities have fared quite as well as those from the large cities.[1]

The System Favors Populous Centres.

In bringing to an end this rapid survey of the principal objections commonly raised against the direct primary, attention should be called to two or three other important considerations (1). Assuming the direct primary to be quite as defective as its opponents claim, the public has a right to inquire what guaran-

Further Considerations: A Reformed Convention System.

[1] *Direct Primary Nominations . . . for New York*, 28. The following facts collected in 1913 by Professor G. G. Groat, of the University of Vermont, tend to disprove this contention. "Facts furnished from authorities in twenty-two states show that the state officers come mostly from the smaller towns and rural districts. Of the twenty-one governors chosen by direct primaries, sixteen came from towns or cities of less than 20,000 inhabitants.

"In Illinois, 5 out of 6 state officers came from towns of less than 16,000.

"In Iowa, 6 out of 7 state officers came from towns of less than 2,500.

"In Kansas, 7 out of 8 state officers came from towns of less than 5,000.

"In Missouri, 5 out of 7 state officers came from towns of less than 12,000.

"In Nebraska, 7 out of 8 state officers came from towns of less than 8,000.

"In Oregon, 2 out of 6 state officers came from towns of less than 2,000.

"In Washington, 5 out of 6 state officers came from towns of less than 10,000.

"In Wisconsin, 5 out of 6 state officers came from towns of less than 20,000."

See also O. C. Hormell, "The Direct Primary Law in Maine and How It Has Worked," *Annals*, CVI, 131–136 (1923).

tees are offered, in case we revert to the convention system, against the reappearance of the old evils that led to the substitution of the direct primary. As a matter of fact, such guarantees have not been forthcoming from any quarter. The substitution of regulated for unregulated primaries in choosing convention delegates and a provision (in New York) for a somewhat fairer method of determining the rights of contesting delegations are the only important improvements that convention advocates have thus far tendered as an inducement to abandon the direct primary. Remembering past experiences with the convention system, the general public naturally demands a *thoroughly reformed* convention system, and, until that is assured, is likely to adhere to the direct primary despite its shortcomings.

(2) Many arguments against the direct primary assume that the system is irredeemable and that the convention system is the only alternative. Much of the time spent by hostile critics in picking flaws in the direct primary might better be devoted to sincere efforts to perfect the primary laws and to a consideration of other possible alternatives. Both the convention system and the direct primary have been discarded in many places (mostly cities) and in their stead a system of nomination by petition has been adopted.[1] Among our largest cities Boston was the first to adopt this system for all municipal offices in 1909. At the present time candidates for the office of mayor are required to file nomination petitions signed by at least 3,000 qualified voters, and candidates for the city council file similar petitions with 2,000 signatures. San Francisco, in 1916, adopted a novel plan designed to remove most of the difficulties involved in obtaining a large number of signatures. A candidate is simply required to file a written declaration of his candidacy, in which he states the office for which he is a candidate, his residence, the business or occupation which he has followed during the three years preceding, and any special training or experience

Nomination by Petition.

[1] In about fifty cities this is followed by the use of a preferential ballot in the election. See Chapter XIII.

he may have had in the line of work which he would have to perform if elected. Furthermore, he is required to obtain a certificate under oath of not less than ten nor more than twenty "sponsors" who are qualified voters, to the effect that the candidate is "fully qualified, mentally, morally, and physically," for the office, and "should be elected to fill it." A deposit of twenty dollars must also be made when the declaration of candidacy is filed. "No party name or political designation or descriptive matter" is permitted to appear on the ballot.

(3) Even if every possible objection against the direct primary could be established by evidence sufficient to convince a jury beyond a reasonable doubt, it would still be true and indisputable that under the convention system the ordinary voter exerts only an *indirect* influence upon nominations—so indirect oftentimes as to be negligible—whereas under the direct primary each voter participates *directly* in the selection of candidates. When, therefore, the ordinary voter is besought to favor a return to the old convention system, he will do well to pause and ask himself this simple question: Am I willing to give up the *direct* voice I now have under the direct primary in exchange for the privilege of merely voting for convention delegates?

Greater Influence of the Individual Voter Under the Direct Primary.

In perfect candor, however, it should be said that even the friends of the direct primary confess to their disappointment over the practical workings of the system in some particulars. To many friendly critics, "the great defect of the direct primary idea has been its failure to take into account the necessity for leadership. There will never be a democracy so perfect or so pure that the functions of leadership will not be of the highest value." [1] Leadership of one kind or another is inevitable under the complicated political system found in most of our states; and the failure of the authors of direct primary laws to appreciate this and to provide for open, official, and responsible party leader-

Absence of Provisions for Proper Leadership.

[1] F. M. Davenport, *Outlook*, CXII, 809 (1916).

ship has resulted in a more or less secret, unofficial, and irresponsible leadership by bosses and political machinists.

To correct this fundamental defect, a number of different plans have been tried or suggested. (1) Pre-primary party conferences or conventions, unofficial in some states but authorized by law in a few instances, have frequently met to agree upon lists of candidates to be formally or, more often, informally recommended for support by the rank and file at the ensuing primary.[1]

Remedies: (1) Pre-Primary Conferences and Conventions.

(2) About 1909 Governor Hughes of New York proposed a plan which at the time attracted a good deal of attention and elicited wide interest. His proposal was to have all party committees elected in carefully regulated primaries, and to empower these committees to bring forward a ticket a few days before each primary. The names on this ticket were to be printed on the official primary ballot in a block apart from all other names that might be proposed, and were to be known as the "organization" ticket. If any considerable number of voters were dissatisfied with the proposals of their party committee, they might, by filing the usual petition, have the names of other candidates printed on the primary ballot. At the polls on primary day the rank and file could thus express their approval or their disapproval of the ticket presented by their party leaders.

(2) The Hughes Plan.

Four advantages are claimed for this proposed innovation. First, the party organization would be preserved intact, while, at the same time, the party voters would have the opportunity, now ordinarily lacking, to repudiate as well as to ratify the selections made by the party leaders. Thus, it is believed, the leaders could be made to feel a greater sense of responsibility to the rank and file. Secondly, in states where party organizations are strong and well disciplined it is probable that the organization would have its own candidates for nomination under any system that might be devised, and it is urged that it would

[1] See S. C. Wallace, "Pre-Primary Conventions," *Annals*, CVI, 97–104 (1923). In 1921 the Minnesota legislature passed a law providing for the holding of pre-primary conventions, but this was repealed in 1923.

be better that the organization should show its hand than that it should act in an irresponsible or secret manner. In the third place, by this method the support of, and, in equal degree, opposition to, the party committee's candidates could be concentrated; thus insuring fewer nominations, avoiding the necessity of requiring a large number of signatures to petitions, and incidentally effecting a corresponding economy. Finally, fusion on judicial and other officers would, it is claimed, be easier to initiate.[1] The Hughes plan, however, failed of adoption; straight organization men opposed it almost to a man, characteristically preferring power without responsibility, which they already had, to power linked with strict accountability.

(3) Primaries for Emergencies Only.

(3) The Hughes plan, just outlined, involved the use of the primary before every election, although the proposals of party committees might be satisfactory ninety per cent of the time. But why, it may be asked, put voters to the trouble and expense of holding primaries before every election when experience shows that the great majority of successful primary candidates, at least in states where party organizations are well developed, are the ones picked by the organization leaders, and that in many instances they are unopposed in the primary?[2] Why not, then, reserve the primary, like the initiative and referendum, for emergencies only; and resort to it only when there is some wide-spread dissatisfaction with the proposals made by the regular party leaders?

Nominations by Party Committees.

It has accordingly been proposed that all party committeemen should be elected by the rank and file, as in the Hughes plan, and should be empowered to make all nominations for offices to be voted for in their respective jurisdictions, several months before the regular election; but that primaries should be held only when a con-

[1] *Direct Primary Nominations . . . for New York* (pamphlet), p. 42.

[2] See F. H. Guild, "The Operation of the Direct Primary in Indiana," *Annals*, CVI, 172–180 (1923); F. E. Horack, "The Workings of the Direct Primary in Iowa," *Annals*, CVI, 153 (1923); C. Kettleborough, "The Direct Primary in Indiana," *Nat. Mun. Rev.*, X, 166–170 (1921); H. Feldman, "The Direct Primary in New York," *Am. Pol. Sci. Rev.*, XI, 494–518 (1917).

siderable body of party voters demand a party referendum on some candidate proposed by the committees and bring forward substitute proposals.[1] For this plan the following advantages are claimed. (*a*) Party leaders would get what they desire or profess to desire under the convention system; namely, reduced expenses for candidates and organizations, a freer hand in picking candidates, and the chance to arrange a compromise or "balanced" ticket. (*b*) The rank and file elect, and therefore may make over, the party nominating committees; and, through the party referendum, may veto unsatisfactory nominations made by a committee. (*c*) Positions on party committees are made more conspicuous and more attractive by being made more powerful; and this would tend to evoke greater interest among voters in the choice of party committeemen and keener competition for membership on those committees by citizens who now never think of seeking such positions. (*d*) If the candidates selected by the party committees are on the whole satisfactory to the rank and file, the holding of a primary will be unnecessary and an important saving to the taxpayers will result. (*e*) Finally, open, official, and responsible leadership in the selection of candidates seems to be assured to a far greater degree than under either the direct primary, as now operated, or under the old convention system.

Advantages.

It should be added, in conclusion, that the best results under the direct primary, whether partisan or non-partisan, will not be attained until other important political changes have been introduced. For example, there must be a material reduction in the number of elective offices for which nominations have to be made;[2] a further extension and strict enforcement of the merit system in the civil service, so as to prevent the "organi-

[1] In other words, party committees would function like the nominating committees appointed by clubs, churches, and other organizations, with whose work every one is familiar.

[2] At the Illinois general primary in April, 1924, the names of 131 candidates for 69 positions appeared on the Democratic ballot, and 179 candidates for 75 positions appeared on the Republican ballot, used in the 10th congressional and 6th senatorial district in Chicago.

zation" from throwing an army of office-holders into the field in support of a particular slate; and also elimination of the party circle or square from the final election ballot, thus compelling each candidate to stand more upon his own merits and parties to be more careful in their choice of candidates.[1]

QUESTIONS AND TOPICS

1. The origin and operation of the so-called "Crawford County System" in Crawford County, Pennsylvania. (See Hempstead.)
2. The old primary system of Bucks County, Pennsylvania, before 1906. (See *Annals*, XX, 640 (1902).)
3. What political conditions in your state led to, or seem to make desirable, the adoption of the direct primary system?
4. Governor Hughes and the struggle for direct primaries in New York, 1908–11.
5. Where the direct primary system is in force, what provision is made for additional nominations after the day of the primary election?
6. What effect has the open primary system in Wisconsin had upon the Democratic party in that state?
7. What may be urged for and against giving nominations by party committees the first place on the direct primary ballot?
8. What facts tend to support or to disprove the objection that state-wide direct primaries favor populous centres against rural districts?
9. Answer the objection that direct primaries are a direct blow to representative government. (See Woodruff.)
10. Does experience prove or disprove that the man with limited means is debarred from obtaining nomination for, or election to, public office under the direct primary system?
11. What answers can be made to the other objections to the direct primary system?
12. Explain the operation of the direct primary where a majority, instead of a plurality, vote is required to nominate and the voters indicate their first and second choices.
13. How are party platforms formulated where the direct primary prevails?
14. Prepare a brief report upon the operation of the direct primary in one of the following states: California, Illinois, In-

[1] C. E. Merriam, in *Cyclopedia of American Government*, III, 55 (1914). See also H. W. Dodds, "Removable Obstacles to the Success of the Direct Primary," *Annals*, CVI, 18–21 (1923).

diana, Iowa, Michigan, Maine, Minnesota, Nebraska, New Jersey, New York, Oregon, South Dakota, Wisconsin, Missouri, Pennsylvania.

15. The Levy direct primary election law in New York (1911). (See Bard.)

16. The operation and limitations of the *non-partisan* direct primary.

17. Arguments for and against the abolition of all primaries and the substitution of nomination by petition.

18. Governor Sulzer's fight for direct primaries in New York, 1913.

19. The operation of the second choice or preferential feature in the primary law of Wisconsin.

20. The extent to which the pre-primary caucus or convention has become established either by law or custom, and the effects.

21. What are the distinctive features of the Indiana direct primary law of 1915? (See *American Year Book, 1915.*)

22. If your state has the direct primary, how many signatures are required for the various offices in order to have a person's name printed on the primary ballot?

23. What kind of a party test exists in your own state? How effective is it in preventing "raiding"?

24. If there is a direct primary law in your state, in what particulars do you think it might be improved?

CHAPTER VII

NOMINATION AND ELECTION OF MEMBERS OF CONGRESS AND PRESIDENTIAL ELECTORS

Nomination of Representatives.

Of the vast body of federal office-holders, numbering nearly 600,000, only 533, including president, vice-president, representatives, and senators, obtain their positions by the process of nomination and election.

Members of the House of Representatives, commonly called congressmen, are apportioned among the various states according to population by an act of Congress passed usually, though not always, soon after each decennial census.[1] Prior to 1842 the different states provided for popular election of congressmen each in its own way. In the majority of states they had all been elected at one time or another on a general or common ticket by the voters of the state at large, as we now choose presidential electors. Under this system it usually happened that the party which carried the state got all the congressmen from that state, although the vote might have been very close. Thus large minorities were often left unrepresented. The candidates were nominated by the state conventions of the different parties.

In 1842 Congress passed an act which did away with the general ticket method of election by requiring that henceforth representatives should be elected by *districts* composed of nearly equal population and of contiguous territory.[2] The determination of the boundaries of these districts was left to the various states. This change in the method of electing congressmen led to a change in the method of their nomination. Before the adoption of the direct

By *District* Conventions.

[1] No reapportionment act has been passed since the census of 1920.

[2] This act grew out of a New Jersey contested election case in 1839. For the circumstances, see J. A. Woodburn, *The American Republic* (1903), pp. 248–250.

primary, congressmen were almost uniformly nominated by conventions in each congressional district, composed of delegates chosen at caucuses or primaries, conducted under state laws or party rules, in the various wards, towns, cities, or assembly districts forming the congressional district. The call for the convention was issued by the congressional district committee, and in the call was stated the number of delegates to which each unit of representation was entitled. The convention was called to order by the chairman of the district committee.

It sometimes happens that after a new apportionment act has been passed by Congress a state finds that it has received an increase in the number of representatives to which it is entitled. If the legislature fails to redistrict the state before the next congressional election, the additional representatives may be nominated by the state conventions of the different parties and elected on a general ticket, as was the practice before 1842. Representatives so elected are known as congressmen-at-large. A state is also permitted to elect all of its congressmen upon a general ticket when its representation in Congress has been reduced and there has not been sufficient time in which to rearrange the districts. In this case also the nominations may be made by state conventions.

By *State* Conventions.

Throughout the past century the convention system was the prevailing method of nominating congressmen; but in recent decades a majority of states have substituted the direct primary election method, so that by 1915, 397 out of the 435 members of the House of Representatives had been nominated in that way. The names of aspirants appearing on the primary election ballot are placed there as the result of filing petitions in the manner provided for local and state offices described in the preceding chapter. Congressmen-at-large from states where the direct primary election method is in force continue to be named by the state conventions in some states, while in others they are nominated in a state-wide direct primary.

By Direct Primaries.

The processes of nominating and electing *United States senators* have, in some particulars, become so interrelated that they may be considered together. Until the ratification of the Seventeenth Amendment, in 1913, the election of senators had been vested by the Constitution in the legislatures of the respective states. The formal nomination of senatorial candidates was made either on the floor of each house of the legislature or before the two houses in joint session, usually but not always before balloting began. Before the time fixed for the commencement of the balloting, the members of each party represented in the legislature met in a caucus for the purpose of determining, if possible, which senatorial aspirant the members of the party would unitedly support. The call for this caucus was issued, in some states, by the chairman of the caucus committee of the two houses; in other states by a few of the most active supporters of some aspirant.

Nomination of Senators by Legislative Caucuses.

Usually all the members of the party in the legislature attended the caucus. There the names of different aspirants were presented and arguments advanced in behalf of each by their respective supporters. A formal ballot usually followed, and the aspirant receiving the highest number of votes, or a majority of the votes, was declared to be *the caucus nominee* of the party. This result was often not reached until after there had been a bitter and prolonged fight extending to more than one session of the caucus. Friends of the successful aspirant naturally insisted that the result of the caucus was binding upon all members of the party in the legislature, and it was generally regarded as morally binding by and upon all those who attended and participated. Occasionally, however, the rivalry between aspirants became so keen and feeling so embittered that the supporters of one or more of the minority aspirants would leave, or "bolt," the caucus; or else they subsequently refused to be bound by its decision. Such conduct was usually made the occasion for depriving the "bolters" of coveted committee assignments and patronage and for bestowing upon them an unlimited amount

Caucus Decision Binding on Participants.

of abuse and denunciation by the friends of the caucus nominee. When such bolts occurred, the dissatisfied element in the party presented the name of its candidate to the legislature either just before the balloting began or after it had been in progress for a time without resulting in an election. Their object was to draw sufficient support away from the principal candidates or from the opposing party to bring about the election of their own candidate; or, if that seemed impracticable, at least so to divide the votes of the legislature that no candidate should receive the majority required for an election. It not infrequently happened that the friends of a particular candidate, being in a minority in their party, absented themselves from the party caucus, knowing that they would be bound by its action if they participated. They preferred to take their chances on the floor of the legislature in attracting to their candidate sufficient support from members of the opposite party to insure his election. In states where one party was overwhelmingly predominant, the party caucus was often omitted altogether, and a sort of free-for-all contest was permitted on the floor of the legislature. In such states even unanimous elections, usually re-elections, were not unknown.

The strength of the following which each senatorial aspirant had in the legislature was pretty accurately known before the legislature assembled. These aspirants usually made their candidacy known before or during the campaign in which members of the legislature were to be nominated and elected, and sought to obtain pledges of support from the legislative candidates. Often these candidates were expected to declare for which senatorial aspirant they intended to vote if elected. It was almost universally the practice for members of the majority party in the legislature to limit their choice to the aspirants who had previously announced themselves and had been conducting a vigorous campaign.

Before 1866 each state legislature was left free to prescribe the regulations governing the election of senators, and, as a result, there was no complete uniformity in the manner of conducting senatorial elections. In that year, however, Congress

intervened and established a uniform code of electoral procedure.[1] Each branch of the legislature was now required first to vote separately for the election of a senator. If no candidate received a majority of both houses, the two houses were to meet in joint session and, voting orally, take at least one ballot on each legislative day thereafter until some candidate obtained the requisite majority or until the legislature finally adjourned without electing any one.

Senatorial *Elections.*

During the twenty years preceding 1913, there appeared an increasing amount of dissatisfaction with the legislative method of choosing senators, accompanied by a growing demand for direct election by the people. This arose from certain defects or evils appearing, in some states at rare intervals, in others frequently, in connection with the choice of senators by the legislatures. The principal objections to the legislative method of election were, in brief, as follows:

Objections to Legislative Election of Senators.

(1) It was felt that the election of senators by the legislature diminished their sense of responsibility to the people whom they are supposed to represent; and that, instead of becoming more representative of the people, the tendency was for senators to become less truly representative.[2]

(2) It was claimed that the legislative election, instead of being the free choice of a majority of the entire legislature, as was the intention of the framers of the Constitution, was, in perhaps the majority of cases, determined not by the legislature but by the caucus of the dominant party. It not infrequently happened that a bare majority in the dominant party caucus was able to force the election of a candidate who was not the real choice either of a majority of the legislature or of the people of the state.

(3) Prolonged and stubborn contests, known as "deadlocks,"

[1] The circumstances which immediately led to the enactment of this law arose in New Jersey. See J. G. Blaine, *Twenty Years of Congress*, II, 154–160 (1886); J. A. Woodburn, *The American Republic* (1903), pp. 214–218.

[2] G. H. Haynes, *The Election of United States Senators*, 63.

during which no candidate obtained the required majority, frequently ended in an adjournment of the legislature without any election. This occurred, for example, in Delaware in 1895, when 217 ballots were taken during the legislative session of 100 days. The result in such cases was to leave the state only partially represented in the Senate until the meeting of the next legislature. Between 1890 and 1900 no less than ten states were represented for varying periods by only one senator, owing to the inability of a majority of the legislature to agree upon one candidate. One effect of a prolonged deadlock was to make public sentiment to some extent impatient, and to put the community in a mood to condone the election of an unfit man, a situation conducive to "springing" a candidate who had not before appeared. The election of Mr. Lorimer in Illinois in 1909 is a good instance in point.[1]

(4) Senatorial election contests in the legislature often seriously interfered with the transaction of the business of the state and at times even prevented the organization of the legislature. Not infrequently the whole time of the legislature was taken up with a prolonged and fruitless attempt to elect a senator, to the complete neglect of the state business.

(5) Senatorial elections by legislatures produced a serious and objectionable confusion of national and state politics. Instead of dividing naturally upon questions of local interest and importance, the voters in the state would divide artificially over the alleged necessity of electing as United States senator some man who would support this or that national policy. The attention and interest of the citizens were centred upon the affairs of the nation when they should have been devoted to the affairs of the state. The result was that if the legislators were not chosen *solely* to compass the election of a senator, they were elected at least primarily for that purpose and only secondarily to attend to the business of the state. Men of inferior character and abilities frequently constituted the majority in our legislatures because of their senatorial preferences, whereas

[1] For a summary of the Lorimer case, see *American Year Book, 1911*, p. 62; *ibid., 1912*, pp. 46–47.

the ablest and most competent men were defeated because of *their* senatorial preferences.[1]

(6) The opportunity and temptation which a legislative election of senators afforded for the corrupt use of money or promises of political reward were very great. In close contests where only a few votes were needed to turn the scale, bribery, direct or indirect, was a notorious accompaniment of senatorial elections.[2]

(7) It was felt that the Senate had become "a rich man's club," membership in which was regarded as a fitting climax to a successful business career, regardless of a man's qualifications as a lawmaker or statesman. It was firmly believed by many people that this class of senators, many of whom were either corporation magnates or former corporation attorneys, acting as the representatives of powerful special interests, had been instrumental in defeating many reforms desired by the general public.

The dissatisfaction engendered by these defects in the legislative method of electing senators, together with the difficulty in obtaining an early amendment to the Constitution, gave rise to a number of ingenious experiments whereby the letter of the Constitution was respected, but popular election, or at least popular nomination, of senators was secured by indirection. The result was that, just prior to the adoption of the Seventeenth Amendment, United States senators in increasing numbers were selected indirectly by a vote of the people.

Indirect Popular Nomination and Election of Senators.

(1) One means of indirectly obtaining popular control of senatorial elections was to secure the nomination or indorsement of some one senatorial aspirant by the state convention of each party, when meeting to nominate state officers. The candidate thus indorsed often "stumped" the state against the candidate of the opposing party, and the election of members of the legislature turned upon the senatorial question. Under such

(1) In Connection with Legislative Elections.

[1] J. A. Woodburn, *The American Republic*, 218.
[2] Haynes, *op. cit.* 51.

circumstances the election of senator was often really determined when the members of the legislature were elected.[1] When, however, there were strong factions within a party, this method of influencing the choice of the legislature did not always yield satisfactory and certain results; and far more effective agencies to secure popular control of senatorial elections had been in force in some states before popular election was sanctioned by constitutional amendment.

(2) By *Quasi*-Direct Primary.

(2) The laws of some states either permitted the state executive committees of the different parties to ascertain the senatorial preferences of the party voters by a sort of direct party primary, or else *required* these committees to ascertain such preferences whenever petitioned so to do by a majority of the party voters. This method was common in the Southern states.[2]

(3) By "Advisory" Primary.

(3) In other states there were laws permitting the voters of each party or the legislative candidates at a direct primary to signify upon the ballot their preferences among the party's aspirants for the senatorship; the result, however, was not considered legally or morally binding upon the party members of the legislature, but merely as "advisory."

(4) By Genuine Direct Primary.

(4) In Kansas, and in about thirty other states, the senatorial aspirants whose names were to be presented to the legislature were nominated, like state officers, in a direct primary election. It was expected that the one in each party receiving the highest number of votes would be the only candidate presented by the party. Such direct nominations were probably not legally binding upon the members of the legislature, although they were regarded as morally binding; and it was usually politically inexpedient for legislators to go counter to the wishes of their party thus clearly expressed.[3]

[1] The most important instance of this occurred in 1858, when Lincoln and Douglas were indorsed by the state conventions of their respective parties in Illinois.

[2] Beard, 242.

[3] *Ibid.*, and *Readings*, 225.

(5) Oregon went still further, and not only had direct primary nomination of senatorial candidates, but in addition had what was virtually a popular *election* of senators. Candidates for the Senate were first nominated by each political party at the direct primary election. Then at the ensuing regular election the voters of the state voted for United States senator from among the persons previously nominated at the primary. The candidate who received the largest popular vote in the election was declared to be "the people's choice," and the legislature was morally bound to elect this individual. So it came about that in 1908 the Republican legislature, faithfully obeying the mandate of the people, elected Governor Chamberlain, a Democrat, to the United States Senate. When, as in this case, the legislature followed the popular choice indicated by the election returns, we had to all intents and purposes popular election of senators and at the same time a compliance with the letter of the Constitution. The legislative election then amounted to nothing more than a formal ratification of the popular choice; it was stripped of practically all discretion and made nearly, if not quite, as perfunctory as the election of the president by presidential electors.

(5) By Direct Primary Followed by Virtually Popular Election.

Notwithstanding these more or less successful devices for indirectly securing the popular nomination or election of United States senators, there was an increasing popular demand for an amendment to the Constitution specifically abolishing legislative election of senators and substituting election by direct popular vote.

The Movement to Amend the Constitution.

In the Union Labor platform of 1888, the demand for this change appeared for the first time in a national campaign. In 1892 it reappeared in the Populist platform. In 1900 the Democratic party included a similar demand in its platform, while in 1908 that party declared this reform to be "the gateway to other national reforms."

Five times, at least, a proposed amendment to the Constitution providing for the popular election of senators passed the

House of Representatives only to be defeated in one way or another in the Senate; in 1911 it lacked only four votes of the necessary two-thirds. Such an amendment might have been secured through a convention called by Congress at the request of the legislatures of two-thirds of the states; and between 1900 and 1913 no less than twenty-eight states—only four less than the requisite number—passed resolutions calling upon Congress to summon such a convention to frame the necessary constitutional amendment.[1]

Arguments in Favor of Popular Elections.

The leading arguments advanced by those in favor of the election of senators by popular vote, briefly stated, were as follows:

(1) Popular election would complete the process which has been going on for nearly a century whereby the choice of most of the important state officials has been gradually taken away from the state legislatures and vested directly in the people by means of popular elections. When the federal Constitution was adopted there existed a very general distrust of the common people—a distrust shared by the framers of that document. Furthermore, at that time there was a practical advantage in vesting the selection of senators in the legislature, which does not exist to the same degree at the present time. It was difficult for public opinion to form and express itself effectively: means of travel were exceedingly poor; means of communication were very few and inadequately developed; newspapers were comparatively rare and of very limited circulation. The legislatures furnished the best means then at hand for the articulation of public sentiment. They no longer perform this important function.

(2) It was claimed that popular election would improve the tone of the Senate. In the Senate of the Fifty-eighth Congress, for example, one out of ten members had been put on trial before the courts or subjected to legislative investigation for serious crimes, or for grave derelictions from official duty, and in

[1] W. K. Tuller, *No. Am. Rev.*, CXCIII, 370 (1911). An amendment drafted by such a convention would, of course, have had to be ratified by three-fourths of the states before it became operative.

every case the accused senator either was found guilty or at least failed to purge himself thoroughly of the charges.[1]

(3) It would make the senators directly responsible to the people instead of to a changing body meeting at infrequent intervals, like the state legislature.

(4) Popular choice of senators would remove the growing distrust of the Senate, due to the influence of individual and corporate wealth. Under popular elections, it was claimed that few rich men and corporation magnates or attorneys could be chosen. At any rate, a senator would have to be a man who could command public confidence.

(5) Popular election would make for the betterment of state and local governments by tending to divorce national from state and local politics. Members of the legislature could then be chosen on the basis of their fitness for attending to the business of the state, and local questions would be uncomplicated by national issues.

(6) State legislatures would be left free to devote themselves to the business of the state. Interference with the transaction of that business, and the prolonged interruptions, due to senatorial elections, would cease.

(7) Since legislative deadlocks over senatorial elections would no longer occur, every state would enjoy its full representation in the Senate at practically all times.

Defense of Legislative Election.

The opponents of popular election of senators, besides entering a general denial of the validity of most of the arguments just enumerated, advanced the following reasons, briefly stated, in defense of the legislative method of election:

(1) Popular election would fundamentally change the character of our political system.[2]

(2) Popular election would essentially alter the character of the Senate as conceived by the wise framers of the Constitution. From being a conservative body with aristocratic leanings, un-

[1] Haynes, *op. cit.*, 165.

[2] This claim is ably answered by Professor Burgess, *Pol. Sci. Quar.*, XVII, 650 (1902).

affected by waves of popular passion, and serving as a check upon the popular tendencies of the lower house of Congress, the Senate would become essentially democratic, easily moved by popular clamor, and no longer a check upon the House of Representatives.

(3) Where the convention system of making nominations still prevails, popular election of senators would soon degenerate into a virtual transfer of the election from a responsible body, like the state legislature, to irresponsible bodies like the ordinary delegate convention, the evils of which have already been discussed.

(4) Popular election would give the large cities, where the foreign voters already constitute a most serious political factor, an undue influence in determining the choice of senators, at the expense of the rural communities, and with possibly serious effects upon the character of the senators elected.

(5) New temptations to demagogism and new opportunities for fraud and other corrupt practices in connection with elections would be opened up, especially in close contests. The number of disputed elections would increase along with the difficulty of their satisfactory adjustment. Thus, instead of increasing the confidence of the people in their senators, that confidence would be greatly diminished.

(6) The evils now and then appearing under the legislative system did not arise from any fault of the system itself, but from the fault of the body of citizens themselves, due to their lack of interest and participation in politics, their non-attendance at caucuses or primaries, their neglect to register or to vote, and their slavish fidelity to party organizations and party names. Increase the political interest, activity, and vigilance of the average citizen, and most of the evils connected with the legislative election of senators would disappear.

The Seventeenth Amendment.

In May, 1912, in the face of an increasingly strong demand for popular election of senators, both houses of Congress adopted a proposed amendment to the Constitution to bring about the desired change. The proposed amendment was promptly ratified by the legislatures of

three-fourths of the states and was declared in force May 31, 1913, as the Seventeenth Amendment. Thus, after a long period of agitation, the direct election of senators by the people, already established in fact in nearly half the states, became established by law in all.

The Seventeenth Amendment provides that the two senators from each state shall be "elected by the people thereof for six years . . ." and that when vacancies happen in the representation of any state in the Senate, "the executive authority of such state shall issue writs of election to fill such vacancies." At the same time the legislature of each state is authorized to empower the executive to make "temporary appointments until the people fill the vacancies by election as the legislature may direct." Aside from this, the procedure for popular election of senators was complete without the enactment of further legislation by the states. The various plans of indirect popular election, outlined above, of course at once became obsolete.

Special legislation, however, was necessary in order to bring the nomination of senators within the scope of the direct primary laws in those states which had not previously provided for direct nomination. In the majority of states this necessary legislation has been enacted, so that candidates for the United States Senate are now generally nominated in state-wide direct primaries.

Presidential electors are, strictly speaking, state officers, inasmuch as their nomination and election are subject to state control. They are nominated by political bodies within the several states, and are paid by the states. They are, however, created by the federal Constitution, and their functions are so related to national politics that the method of their nomination will be briefly outlined in this chapter.

Presidential Electors.

In any state a party desiring to present candidates for president and vice-president is entitled to nominate as many candidates for presidential electors as the combined number of senators and representatives in Congress from that state. Furthermore, it is only by presenting to the voters such lists

of candidates for presidential electors that a party comes to be regarded as a national party. It is only by voting for one such list of candidates that the ordinary citizen participates in the election of a president and a vice-president.

When the delegate convention system was the universal method of nominating candidates for state offices, electoral candidates were always nominated by the state convention of each party, except in those states where the state convention named only the candidates for *electors-at-large* and each congressional district convention nominated one candidate. Even to-day, in states where the direct primary has almost completely supplanted the convention system, as in California and Illinois, it is still common to find provision made by law for holding specially constituted state conventions to nominate the entire electoral ticket. Owing to complications which arose in Pennsylvania in connection with the presidential campaign of 1912, the legislature of that state passed a law in 1913 providing that, in place of nomination by the state convention, electors should henceforth be nominated by the presidential candidates of the different parties; and any vacancies arising in the electoral ticket before election were also to be filled by the presidential candidates.

Nomination of Electors.

Pennsylvania Method.

In selecting candidates for the electoral ticket, preference is frequently shown for distinguished members of the party who have never held national office, or who have retired therefrom, and for partisans who are willing to make generous contributions toward meeting the expenses of the campaign. Vacancies occurring in the electoral ticket before the election are usually filled either by the other nominees or by the state committee of the party concerned.

A few states, notably Nebraska, and Iowa, omit the electoral tickets of all parties from the official ballots used in presidential elections. Instead, the names of the various candidates for president and vice-president are printed on the ballot, and each voter may indicate his preference by making the usual mark opposite the

Omission of Electoral Tickets from the Ballot.

names of the candidates of his choice. After the ballots are finally counted, the governor issues a certificate of election to the electors previously nominated by the party which has carried the state. This innovation deserves to become the universal rule, for no useful purpose is served and the ballot is made more complicated by printing sometimes five or six long lists of electoral candidates. The presidential electors serve merely to register automatically the choice of their party previously made by the national nominating convention, and do not pretend to exercise any preference or discretion of their own. Hence, the printing of their names only serves to clutter up an already excessively long ballot.

Methods of Electing Presidential Electors.

The national constitution leaves the legislature of each state free to determine the manner in which presidential electors shall be chosen, and in the early history of the country there was considerable diversity of procedure. The present universal method of election by popular vote came into existence only gradually. Originally, electors were chosen by the legislatures in most of the states. Then a compromise between legislative and popular election appeared in some states, whereby the legislature chose two electors-at-large, and the rest of the electoral ticket was chosen by popular vote. By 1832 popular election had superseded legislative election in all the states except South Carolina, where the legislature continued to name the electors until after 1860. Since that date, popular election has been the uniform rule.

For a time there were also different methods of popular choice. Sometimes the voters of the state at large chose two electors, while the remainder were elected by congressional districts, one to a district. The district plan, however, soon fell into disfavor, and was everywhere supplanted by the now uniform general ticket system. Under this method, each voter is permitted to vote for the entire number of electors to which his state is entitled, and the party polling the highest vote is given the entire electoral vote of the state, although the vote of that party may be a minority of the total vote. Such a system seems

to enhance the general importance of the state in national politics, and for that reason it quickly won favor and has retained the support both of party leaders and of public sentiment.[1] By 1832, only four states retained the district system, and they abandoned it before the next election. Michigan returned to it in 1891, but only to meet a temporary party exigency.[2]

Defects of the General Ticket System.

Nevertheless, the general ticket system is open to serious criticism.

(1) It sometimes results in the election of a president by a minority of the popular vote, as has happened no less than seven times since 1860.[3]

(2) It is clearly unjust to minorities. In Indiana, for example, in 1916, the Republicans carried the state by the narrow margin of nine-tenths of one per cent of the total popular vote; nevertheless, all fifteen electoral votes of that state were counted for the Republican candidate. New Hampshire was carried by the Democrats by only six one-hundredths of one per cent of the total vote; nevertheless that entitled them to the entire electoral vote of the state. California went Democratic by a plurality of four-tenths of one per cent, and Minnesota went Republican by one-tenth of one per cent. Under the general ticket system a minority party, no matter how large its vote, can rarely win a single electoral vote unless it captures the entire state.

[1] The general ticket system does not entirely preclude the splitting of a state's electoral vote, as happened in Maryland in 1908, California in 1912, and West Virginia in 1916. But such instances occur rarely, and are usually due to some extraordinary local condition, such as the appearance on the ballot of the name of an unusually popular, or of a very unpopular, candidate. But no useful purpose is ever served by such split-ticket voting. For other instances of split electoral tickets, see tables of electoral votes in E. Stanwood, *A History of the Presidency*, and McLaughlin and Hart, *Cyclopedia of American Government*, III, 8–46.

[2] For a brief account of the Michigan incident, see J. A. Woodburn, *The American Republic* (1903), pp. 124–125.

[3] In 1860, 1876, 1880, 1884, 1888, 1892, and 1912. For complete tables of the popular and electoral vote in presidential elections down to, and including 1912, see McLaughlin and Hart, *Cyclopedia of American Government*, III, 8–46 (1914).

(3) The general ticket system also gives the larger states undue political importance, if not excessive power, in determining presidential elections. For example, a very natural and probable combination of eleven states[1] which are contiguous and generally Republican, or at least doubtful, can muster an electoral vote of 236, which is only thirty short of a majority. If to these eleven states were added five New England states[2] and West Virginia, all of which are usually Republican, the seventeen would have a majority of the electoral college. Since 1860 every president but one (Andrew Johnson) has come from this section, and also every presidential candidate of the two major parties except one (Mr. Bryan). Inasmuch as these states contain more than half the population of the country, their vote in the electoral college might represent the sentiment of nearly all their people, in which case there would be no injustice. But, as matter of fact, the Democratic minority is often very large, amounting in New York, for example, in 1916, to forty-nine per cent of the popular vote.

(4) The general ticket system increases sectionalism. It is obvious that there would be much less of a "Solid South" if the district system prevailed, for the Republican minority in some of those states is far from being inconsiderable. In Missouri in 1916 it amounted to thirty-nine per cent, in North Carolina to forty-three per cent, and in Virginia and Kentucky to forty-six per cent, of the total popular vote. Under the district system employed in the election of congressmen, Republican representatives are often elected from those states; but under the general ticket system in presidential elections, the Republicans have carried Missouri only five times in the sixteen elections occurring since 1860,[3] Virginia and North Carolina only twice (1868 and 1872), and Kentucky only once (1896).

(5) The general ticket system also gives an undue strategic importance to some of the doubtful states, and so fosters politi-

[1] Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, and Iowa.

[2] Maine, New Hampshire, Vermont, Rhode Island, and Connecticut.

[3] Namely, in 1860, 1868, 1904, 1908, and 1920.

cal corruption. The doubtful states are made doubtful by reason of the general ticket; otherwise they would be divided, instead of doubtful, in their politics. The purchase or otherwise corrupt control of a small number of votes would be a decisive factor in "close" states.[1]

Ought the Electoral College to be Abandoned?

In view of the fact that presidential electors have long been mere automata to register the will of their respective parties, previously determined in the national nominating conventions, and are supposed to exercise no discretion of their own, it is difficult to see any good reason for the retention of the electoral college. Its retention, moreover, renders very difficult the nomination of independent candidates for the presidency, no matter how great may be the popular demand, for it is necessary in such cases to create an organization in every state and to select as electoral candidates persons pledged in advance to the man who is to become the presidential candidate. This requires a large expenditure of time and money, and for practical purposes has become all but impossible.

With such considerations prominently before them, the Senate Committee on Agriculture in 1922 favorably reported a proposed amendment to the national constitution which, among other things, provided for the abolition of the office of presidential elector.[2] That result could be readily attained without changing in any essential respect the present method of electing the president and vice-president. The names of candidates for those offices would be printed on the ballot, as they now are in Nebraska and Iowa, the voters would vote for them directly, and the electoral vote of each state would be credited to the party which won a plurality of the popular vote—all this could be done as well without presidential electors as with them. The mere abolition of the office of presidential elector

[1] For a fuller discussion of these defects of the general ticket system, see J. C. Allen, "Our Bungling Electoral System," *Am. Pol. Sci. Rev.*, XI, 685 ff. (1917).

[2] This proposed amendment and explanatory remarks by Senator Norris of Nebraska may be found in *Searchlight*, VII, 14–17 (Dec., 1922). See *Senate Reports*, 67th Congress, 4th session, No. 993.

while retaining the present apportionment of electoral votes among the several states, would not, of course, remove any of the defects of the general ticket system. To be really effective, the proposed amendment should also provide for the recording of the popular vote by *congressional districts*, the two electors-at-large being credited to the party polling the largest popular vote. This would be much more democratic than the present system and would not be open to the very grave objections that can be urged against the complete abolition of the electoral system and the substitution of direct popular election of president and vice-president.

The Legal Date of the Presidential Election.

Under the existing system, what is commonly called the presidential election, occurring on the Tuesday following the first Monday in November, is in reality nothing but the choice of presidential electors. The actual or legal election of president does not take place until the electors in each state, called the electoral college, meet at their respective state capitals on the second Monday in the following January and formally record their votes for the candidates of the party to which they belong. But, of course, the outcome can ordinarily be foreseen within a few hours after the polls close in November. Only twice, in 1800 when Jefferson was elected, and in 1824 when John Quincy Adams was elected, has no candidate succeeded in winning a majority of the electoral college, thus throwing the election into the House of Representatives. In such circumstances the House elects the president from among the three candidates standing highest in the electoral vote, each state having only one vote which is determined by a majority of the members from each state. If the congressional delegation from any state is equally divided, the vote of that state is lost. The senate chooses the vice-president from the two candidates having the highest electoral votes.

The only federal officers whose nominations remain to be considered are the president and vice-president. The method by which candidates are selected for these highest offices within the gift of the American people is unique and so important as to deserve treatment at length in a special chapter.

QUESTIONS AND TOPICS

1. What are the qualifications for United States senators and representatives? Who may vote for representatives and senators in Congress under the federal Constitution and the laws of your state? Who are disqualified for voting?

2. What different methods have been followed in apportioning representation in Congress among the several states? Would proportional representation be an improvement upon the present method?

3. Federal supervision or interference in congressional elections, 1870–94. The "Force" bill of 1890 and the way in which it was defeated.

4. What circumstances produced the act of 1842 providing for the election of congressmen by districts? (See Woodburn.)

5. What methods of nominating congressmen prevail in your state? If by direct primary, how may an aspirant get his name upon the primary ballot? Who is the congressman from your district? What qualifications does he possess which fit him for the office? What were the circumstances surrounding his nomination?

6. How are contested congressional election cases conducted? (See Rammelkamp.)

7. An account of the debates in the federal convention of 1787 over the method of choosing senators.

8. What circumstances produced the act of 1866 regulating the election of United States senators? (See Woodburn, Blaine.)

9. Describe the actual procedure in voting for United States senators in state legislatures before and after 1866.

10. What reasons have been deemed sufficient on various occasions to bring about the expulsion or rejection of persons elected to the House or the Senate?

11. The case of Senator Lorimer, of Illinois, 1910–12. (See the *Congressional Record* and *Reports* of Senate Committee on Privileges and Elections which investigated this case.)

12. The New York senatorial deadlock in 1911.

13. The debate in the United States Senate over the proposed constitutional amendment authorizing popular election of senators, 2d session of the 61st Congress, 1910–11.

14. Was there any substantial basis for the claim that the popular election of United States senators would change the whole character of our political system? (See Burgess.)

15. Do state legislatures have the right to instruct their sen-

ators and representatives in Congress how to vote on specific subjects?

16. The discussions in the federal convention of 1787 over methods of choosing the president.

17. The debates in Congress over the Twelfth Amendment to the Constitution.

18. Arguments for and against the abolition of the office of vice-president.

19. How is the president chosen in Mexico, Brazil, Argentina, France, Germany, and Switzerland?

20. What arguments may be advanced for and against the direct popular election of the president?

21. Summarize the different plans or attempts to change the method of electing the president. (See Lalor, II, 69, and Stanwood, 358, for references.)

22. The congressional election of president in 1800 and in 1824.

23. The proceedings in regard to the disqualified presidential electors from North Carolina in 1837. (See the *Register of Debates in Congress.*)

24. Congressional debate over the electoral vote from Wisconsin in 1857.

25. The disputed electoral returns in 1876.

26. How may vacancies in the electoral vote of a state which occur after the date of the election be filled?

27. What is the ordinary procedure of the electoral college in each state; also in Congress relative to the counting of the electoral votes from the different states?

28. What are the arguments for, and the objections to, the choosing of presidential electors by districts? (See Dougherty, Phelps.)

29. At what time does a newly elected Congress ordinarily assemble? Should this time be brought forward, nearer the date of election? (See Shafroth.)

30. Compare the political influence enjoyed by representatives and senators. (See Beard, Wilson.)

31. The emergence of party lines in the electoral college, 1789–1800.

32. Is it the duty of presidential electors to record the will of the people of their states in voting for presidential candidates, or to record the will of the national convention nominating those candidates, when there is a conflict between the two?

33. Complications in Pennsylvania and California in 1912 in connection with the nomination of Republican and "Progressive" presidential electors. (See *American Year Book, 1912.*)

34. The case of the Kansas Republican and Progressive presidential electors in 1912, and the decisions of the federal courts.

35. The Idaho presidential electoral case of 1912 and the contempt proceedings growing out of it.

36. West Virginia's senatorial bribery scandal (1913).

37. Senate debate on limiting the president's term, January, 1913. (See *Congressional Record*, 3d session, 62d Congress.)

38. The Illinois and New Hampshire senatorial deadlocks in 1913.

39. To what extent has popular election of United States senators in practice justified the arguments of the advocates and opponents of popular election?

40. Should the office of presidential elector be abolished?

41. Whenever presidential elections are thrown into the House of Representatives, should the present system of voting continue to be employed or should each member be given a vote?

42. Explain how the apportionment of presidential electors among the several states gives disproportionate weight to the small states.

43. In case the president-elect should die between the popular election in November and the actual or legal election in January, how would the vacancy thus created be filled?

44. If a defeated presidential candidate should die under similar circumstances, as did Horace Greeley, in 1872, how would his electoral votes be disposed of?

45. If the president-elect should die after the meeting of the electors in January, but before he had taken the oath of office, how would the vacancy be filled?

46. If there should be no majority in the electoral college for any presidential or vice-presidential candidate, and if no such candidate should be able to obtain a majority in the House or Senate, respectively, before the ensuing March 4, who, if any one, would be president?

CHAPTER VIII

NOMINATION OF PRESIDENT AND VICE-PRESIDENT. THE NATIONAL CONVENTION. THE PRESIDENTIAL PRIMARY. REFORM OF PRESIDENTIAL NOMINATING METHODS

The present custom of nominating candidates for president and vice-president by a national convention supposed to represent the party voters throughout the nation was introduced by the Anti-Masonic party in 1831, and followed the same year by the National Republican, the forerunner of the Whig party. Besides nominating candidates, the national convention has two other important purposes: to draft "a formal declaration of the principles, views, and practical proposals of the party," which is known as the platform; and the appointment of a national committee to serve for four years.[1]

The call for a national convention of the two great parties, and of minor parties which have been in the field for some time, is issued by the national committee. In the case of a new party, the call may be issued by the leaders at a preliminary convention or it may be merely signed by them and published broadcast through the newspapers. Usually in December or January preceding a presidential election, the national committees of the two great parties meet in Washington and decide upon the time and place of holding the convention; and having determined that important question, the committee issues the formal call, signed by its chairman and secretary.

Convention *Preliminaries:* The Call.

The call for the Democratic convention is much briefer than that for the Republican convention, merely stating the time and place of holding the convention, the number of delegates

[1] The description which follows applies only to the national conventions of the present Republican and Democratic parties. National conventions of the Socialist and other minor parties embody important departures from the major-party model. See Ch. IX.

to which each state and territory is entitled, and inviting those in sympathy with the principles and aims of the party to participate in the choice of delegates. The manner of choosing delegates, however, is left for each state and territory to determine.[1]

The call for the Republican convention, besides covering the points included in the Democratic call, goes on to prescribe in general terms the process by which the delegates are to be chosen in the states and territories, the period within which they must be chosen and their credentials forwarded to the secretary of the national committee; and it also outlines the procedure in cases of contesting delegations. A copy of the call of each party is sent to the state committee in the several states and published in the newspapers of the country. The time selected for the meeting of the convention is usually in the month of June or early in July. The place chosen is always a large city with adequate railway, hotel, and auditorium accommodations.[2]

Democratic Apportionment of Delegates.

In Democratic national conventions held before 1852, the number of delegates that might attend and participate in the work of a convention was not fixed by any definite rule, although each state was permitted to cast only as many votes as it had votes in the electoral college. Under this arrangement it sometimes happened, as at the Baltimore conventions in 1835 and 1848, that a single delegate might be permitted to cast the entire vote to which his state was entitled.[3] In 1848 a rule was adopted for future conventions restricting the number of delegates which a state might send to twice the number of its

[1] See *Official Proceedings* of the Democratic and Republican conventions.

[2] The preliminary arrangements for the convention are intrusted to an executive committee of the national committee. This committee elects a sergeant-at-arms for the convention, and to him is intrusted the duty of superintending the printing of admission tickets, the organization of a force to act as assistants, ushers, and pages, to seat the people, and to assist in maintaining order during the sessions of the convention. Woodburn, *Political Parties* (1914), 273.

[3] For example, in the cases of Tennessee and South Carolina.

senators and representatives, but allowing each delegate only half a vote. Since 1872 the number from each state has remained the same but each delegate has had a whole vote.[1] In recent years six delegates have also been allotted to Hawaii, Alaska, Porto Rico, the District of Columbia, the Philippine Islands. In 1920 two, in 1924 six, were also admitted from the Panama Canal Zone.[2] This brought the total number of delegates in the convention of 1924 up to 1,098.

Republican Apportionment.

Likewise in the Republican national convention from 1860 to 1916, the number of delegates allotted to each state was twice the number of its votes in the electoral college, each delegate having a whole vote. Delegates were also admitted from the various territories, dependencies, and the District of Columbia. Until 1912, therefore, the voting strength of the states in both the Democratic and Republican conventions bore no relation whatever to the actual voting strength of the respective parties in the several states.[3] On the contrary, it was mainly determined by the size of the state's representation in Congress, which, in the case of the House of Representatives, is based upon population alone. Such has continued to be the practice in the Democratic convention down to the present time, and there it has given rise to no serious dissatisfaction inasmuch as the strength of that party is fairly well spread over the country; at any rate, there is no large block of states in which its voting strength year after year is negligible.

The Republican party, on the other hand, ever since the close of the Reconstruction period, has been, so far as presidential elections are concerned, a nonentity in about a dozen Southern

[1] Occasionally states send twice or three times as many delegates as they are entitled to. In such cases each delegate has only a half-vote, or a third of a vote, as the case may be. This practice appears in both Democratic and Republican conventions.

[2] Democratic national convention, *Official Report*, 1920, p. 96.

[3] In state and county nominating conventions, on the other hand, the number of delegates allotted to the various political units represented has almost uniformly been based upon the size of the party vote polled at some recent election; the larger the party vote, the larger the delegation.

states which constitute the "Solid South." Those states never choose Republican electors, and therefore play no part in electing a Republican president; nevertheless, they continued, until after 1912, to have votes in the Republican national convention out of all proportion to the services they rendered the party at election time. At times this influence had been sufficient to defeat the wishes of stanchly Republican Northern and Western states in the selection of presidential nominees.

Southern Delegates in Republican Conventions.

For many years prior to 1912 the need of reforming the basis of representation had been under discussion at meetings of the Republican national committee or of the committee on rules and order of business at the national convention, and different plans of revising the method of apportioning delegates had been brought forward from time to time.

In the discussion of a plan originating with the Pennsylvania delegation in 1908 the fact was brought out that ten Democratic Southern states had polled only 254,461 Republican votes in the preceding (1904) presidential election, but, nevertheless, were represented in the convention of 1908 by no less than 216 delegates, more than one-fifth of the total number, and a number equal to the combined delegations from such normally Republican states as California, Illinois, Indiana, Iowa, Michigan, Maine, and Ohio, where the Republican vote in 1904 had been more than ten times that of the Solid South. It was also shown that Georgia with twenty-six delegates could neutralize the vote of Iowa with the same number of delegates; that Florida with ten delegates could balance the vote of either Colorado or Washington; and that Alabama with twenty-two delegates could likewise offset the vote of either Minnesota or Massachusetts. It appeared, furthermore, that South Carolina had a vote in the convention of 1908 for every 136 Republican voters, whereas Ohio had only one delegate for every 13,000 Republican voters. If Ohio and Pennsylvania had been represented on the same basis as South Carolina, they would have been entitled to 540 and 680 delegates, respectively.

To remedy these and other equally glaring instances of over-

representation of Southern states, a plan was proposed in 1908 to give each state four delegates-at-large and one additional delegate for each 10,000 Republican votes cast for presidential elector at the last preceding election; four delegates to each organized territory, and two delegates each to Alaska, the District of Columbia, Porto Rico, and the Philippine Islands. This proposal failed of adoption in the committee on rules by a vote of twenty-three states to seventeen; whereupon the plan was submitted to the convention in the form of a minority report, and was there given extended consideration. When put to a vote, the new scheme failed of adoption by the narrow margin of thirty-five votes.[1] Had it carried, the disruption of the party in 1912 might possibly have been averted; for in the convention held that year, the disproportionate and dubiously employed power of the Southern delegates was largely responsible for preventing the nomination of the candidate desired by a majority of the voters in the strongly Republican Northern and Western states.[2]

Changes Proposed.

One result of the Republican schism and defeat in 1912 was to convince the leaders of that party that before another national convention came around, some change, involving reduced representation of Southern states, would have to be made. Consequently in December, 1913, a compromise plan was devised, and later adopted and put into effect in the convention of 1916, under which the equal representation of all states in the choice of delegates-at-large was retained, but at the same time some recognition was given to the varying strength of the party vote in the election of district delegates. The number of delegates from the territories, dependencies, and the District of Columbia, where, of course, no presidential electors are ever chosen, was also reduced from six to two each.

Southern Representation Reduced, 1916.

[1] *Official Report*, 1908, pp. 97 ff.

[2] In the Republican national convention of 1912 fifteen states, including Arizona and New Mexico, in which there was no probability of a single Republican elector being chosen, were entitled to 250 delegates. F. W. Dickey, *Am. Pol. Sci. Rev.*, IX, 473 (1915).

With slight modifications, this basis of apportionment was again used in the choice of delegates to the convention of 1920. The convention that year adopted a resolution directing the national committee to devise "a just and equitable basis of representation" in future conventions in order "to effect proper and necessary changes in the present apportionment of delegates *in proportion to the Republican vote actually cast* at general elections throughout the various states." [1] Subsequently, in 1921, the national committee adopted a tentative rule which would have reduced the number of Southern delegates in the convention of 1924 by twenty-six; but later, in December, 1923, the committee discarded this and gave Southern states a total of nine more delegates than they had had in 1920. At the same time, however, three additional delegates-at-large were allowed to every state carried by the Republican party in the presidential election of 1920, thus giving Northern states an increase of 116 delegates in 1924. Although Southern representation has not been increased *relatively*—still remaining at about seventeen per cent—the new rule can hardly be regarded as a satisfactory compliance with the mandate of the convention of 1920.[2] The most plausible explanation of the committee's action is the apprehension that, if Southern representation were further reduced, the thousands of Southern negroes who have migrated to Northern states in the past few years would vote solidly against the Republican party in 1924.[3]

Republican Apportionment of Delegates in 1924.

The new arrangement entitled each state represented in the convention of 1924 to four delegates-at-large, two additional delegates-at-large for each representative-at-large in Congress,

[1] *Official Proceedings*, p. 233.

[2] Under the 1924 apportionment, South Carolina and Mississippi, which together polled only about 14,000 Republican votes in 1920, were given 23 delegates; whereas Michigan, which cast fifty times as many votes, was given only 33 delegates, and California, with forty-four times as many Republican votes, had only 29 delegates.

[3] For example, between 1910 and 1920, the negro population of Pennsylvania increased 46 per cent, of Illinois and Ohio 67 per cent, and of Michigan 251 per cent.

and three additional delegates-at-large if the state was carried by the Republican presidential candidates in 1920. Each state was also allowed to send one district delegate from each congressional district, and an additional delegate from each congressional district casting 10,000 votes for a Republican presidential elector in 1920, or for the Republican nominee for Congress in the last preceding (1922) congressional election. Two delegates-at-large were also allowed, as formerly, to each of the territories and dependencies and to the District of Columbia. The total number of delegates rose to 1,109, as compared with 984 in 1920.[1]

Delegates to the Democratic and Republican national conventions, prior to 1912, were almost universally chosen by conventions in the several states, and this method is employed in more than half the states at the present time. Upon receipt of a copy of the call from the national committee, the state committee proceeds to call a state convention for the purpose of choosing the four delegates-at-large (or six, if the state has a representative-at-large). At the same time the state committee notifies the different congressional district committees of the state. These in their turn proceed to call congressional district conventions to choose the delegates and alternates from the district. If in any congressional district there is no district committee, the state committee of the party either calls the district convention or appoints a committee from that district to issue the call. The territorial delegates are elected by conventions acting under the supervision of committees appointed by the national committee.

Older Method of Choosing Delegates: By Conventions.

The foregoing was the method used in all parts of the country for the selection of delegates to the Republican convention for many years preceding 1912. With the Democratic party,

[1] The above arrangement was adopted by the convention of 1924 for the succeeding convention, basing the number of delegates upon results of the presidential election of 1924 and congressional election of 1926. Under this arrangement Southern states continue to be represented out of all proportion to their voting importance in elections.

however, the method under the convention system varied in some states. In New York, for example, and several other states, the state convention chose the entire delegation to the national convention. That is to say, the entire state convention elected the delegates-at-large, while the delegates in the state convention from the respective congressional districts caucused by themselves and nominated to the convention the delegates from their district. These nominations were then usually ratified by the state convention.

Under the convention system, just described, the rank and file of the party exert little or no *direct* influence upon the choice of the delegates who are to represent the state in the national convention. That selection is made for them by the state and district conventions, whose organization and proceedings have all too often been characterized by the same sort of unfair, not to say corrupt, practices that prevailed in state and county nominating conventions before the advent of the direct primary.[1] The delegates whom these conventions select are persons seldom known to more than a handful of the voters, and with their political views and presidential preferences most voters are quite unacquainted. It can hardly be claimed, therefore, that under such a system the rank and file exert any *direct* influence or controlling influence upon the decisions of the national convention respecting either the party platform or the party candidate for the presidency. And, at the same time, there is no appeal from the action of the national convention and no direct and effective way in which the party voters can record their disapproval of the work of these delegates.

Defects of the Old System.

The state or district conventions which choose the delegates to the national convention have frequently directed or "instructed" their delegates to support a certain candidate for the presidential nomination and also to support or oppose certain important policies likely to be mentioned in the party platform. In the case of the Republican party, the instructions voted by a state convention

"Instruction" of Delegates.

[1] See Chapter V.

apply only to the delegates-at-large chosen by that convention and not to the delegates chosen by the district conventions. The latter are subject only to the instructions given by the convention of their own district. In the case of the Democratic party, on the other hand, the instructions of the state convention are intended to bind the entire state delegation.

How Binding Instructions Are.

Regarding the binding force of these instructions, it may be said that a delegate generally feels that it is expedient to vote according to the resolutions of the state or district convention appointing him, but he is under no legal compulsion so to do. Repeatedly, in the Republican national convention, delegates have disregarded instructions and have been sustained by the convention in their right to do so. Nevertheless, such instructions are usually observed. After the delegates have been chosen and instructed, however, something may come to light concerning the proposed nominee or some policy which makes a violation of instructions desirable, perhaps necessary; but delegates are expected to show good reasons for disregarding instructions. Inability satisfactorily to justify themselves before their constituents sometimes results in their becoming political outcasts.

New Method: The Presidential Primary.

The new method of choosing delegates is commonly known as the "presidential primary." It first appeared in the campaign of 1912, when a number of important states, either under state laws or party rules, elected some or all of their delegates in direct primaries instead of conventions.[1] At the present time (1924) the system in one form or another is established by law in nearly one-half the states, and recognized by the rules of both the Republican and Democratic conventions as a valid method of choosing delegates.[2]

[1] In 1912, the Republican convention refused to seat certain delegates who had been chosen under state direct primary laws, on the ground that the rules of the convention required all delegates to be elected by conventions. This action, which made party rules superior to state laws, created intense bitterness, and before the next convention met the rules were modified as stated above.

[2] In 1920 the delegates in the Democratic convention, elected from presi-

The presidential primary appears in varying forms in the states which have adopted it. (1) In some states, only the district delegates are elected by direct primary, the delegates-at-large continuing to be named by state conventions. (2) In others, all delegates are chosen by direct primary, the district delegates in district primaries, and the delegates-at-large in state-wide primaries. (3) A few states, notably California, elect all delegates on a general ticket in a state-wide primary. (4) Besides giving the rank and file of the party a more direct voice in naming delegates than under the convention system, a number of state laws go further and provide that the voters shall be given an opportunity to impress upon the delegates their choice for presidential candidates. Such expressions of preference may be made either *directly* or *indirectly*. (*a*) Where the *indirect* preference primary exists, candidates for election as delegates are permitted to state on the primary ballot their preference for the presidential nomination, or they may state that they have no preference, or may make no statement whatever upon the matter. By voting for delegates whose preferences are made known in some such way, the voter indirectly indicates his own presidential preference. (*b*) Preferences may be expressed *directly* in states where the names of the aspirants for the presidential nomination are either printed upon the primary ballot or written in by the voter. It is not uncommon, also, to find primary laws which provide on the same ballot for both the direct and the indirect preferential method.

Its Various Forms.

Preferential Feature.

Generally the preferential feature is found combined with the direct primary method of choosing delegates, but there are a few states which, although providing for a presidential preference vote, still retain the old convention method of choosing delegates. In Maryland, for example, under the law of 1912, provision is made for a presidential preference vote at primaries, but the selection of delegates is placed in the hands of

dential primary states, numbered 638; in the Republican convention, 569. R. S. Boots, "The Presidential Primary," *Nat. Mun. Rev.*, Supplement, IX, 597 (1920).

the state convention, which is supposed to be guided in its selections by the result of the preference vote.

Effect of a Preferential Vote.

The question as to the effect which a popular expression of preference in a presidential primary shall, or should, have upon the delegates in the national convention is variously answered by the state laws, but nowhere with entire satisfaction. In Oregon and Montana, where a state-wide preferential vote and choice of delegates exists, the delegates are bound by oath to vote for the candidate who leads in the preferential vote. In Iowa, on the other hand, the preferential vote is to be regarded simply as an expression of the sentiment, not of the will, of the people, and the law makes no special provision for pledging delegates either to support particular candidates or to heed the people's "sentiment." Other laws require the delegates to carry out the preferences of the party as expressed at the primary to the best of their ability; and this seems to be the intent of most presidential preference laws, no special precautions being taken to prevent delegates from proving unfaithful to their trust.[1]

Serious complications have arisen when the results of a state-wide preferential vote are at variance with the result of a district preferential vote. Is the district delegate to be guided in the convention by the result in his district or by the result of the state-wide vote? In the Iowa law before 1917 an effort was made to have the people themselves answer this question. Upon the primary ballot the voter was requested to answer yes or no to the following questions: "Shall the district delegates to the national convention be instructed by the vote of the state at large?" and "Shall the district delegates to the national convention be instructed by the vote of the congressional districts?"

Moreover, no presidential primary law indicates clearly how long the delegates in the convention must vote for the candidate preferred by their state or district; nor whether the delegates are bound merely to vote for the preferred candidate when the

[1] *American Year Book, 1913*, p. 73. See also *Am. Pol. Sci. Rev.*, X, 116–120 (1916); *Nat. Mun. Rev.*, Supplement, IX, 597–617 (1920).

time for balloting arrives, or are expected to vote upon all incidental and preliminary questions in such a way as to advance that candidate's interests.[1]

Interest in Pre-Convention Activities.

Under whichever method the delegates are chosen, the preconvention contest is frequently attended with great popular interest and excitement. Early in the convention year the friends of the leading presidential aspirants proceed to organize in each state and endeavor in every way to get as many delegates as possible pledged or instructed to support their respective favorites at the national convention.[2] The newspapers publish the comparative standing of the various aspirants, giving the returns from each state and district as they come in, revising their estimates from day to day until all the delegates have been chosen. As a rule, it is impossible, even after all the delegates have been elected, to tell who will be the actual nominee of the convention. Exceptions to this rule are the nomination of Grant in 1868, Cleveland in 1884, McKinley in 1896 and 1900, Roosevelt in 1904, Taft in 1908, Wilson in 1916, and Coolidge in 1924. In all of these cases the nomination was practically settled before the convention met.

During the convention "each state delegation has its chairman and is expected to keep together. It usually travels together to the place of meeting; takes rooms in the same hotel; has a recognized headquarters there; sits in a particular place allotted to it in the convention hall; holds meetings of its members during the progress of the convention to decide on the course which it shall from time to time take. These meetings, if the state is a large one, excite great interest, and the sharp-eared reporter prowls around them, eager to learn how the votes will go." [3]

[1] In 1912, *e. g.*, most of the Oregon delegates voted on all preliminary and incidental motions in such a way as to promote the nomination of President Taft, although in the actual balloting for nominee they voted for Roosevelt, the choice of their state.

[2] See *Literary Digest*, LXIV, February 28, 1920, pp. 41 ff., "Grooming a Presidential Candidate."

[3] Bryce, II, 180.

Those who are chosen to serve as delegates to a national convention are usually active party men, politicians in their respective districts who give a good deal of time and attention to politics. They are frequently able and astute managers, frequently, though not always, office-seekers. They are men whose services to the party entitle them to some distinction and recognition. The delegates-at-large are usually men of state or national reputation, the party leaders of the state, the United States senators, or men whose renown or power as speakers and managers will give the delegation weight and influence in the convention. For example, in the Republican convention of 1900 both the temporary and permanent chairmen were senators; the four nomination speeches were made by senators; and there were seven senators on the important committee on resolutions which drafted the platform.[1]

Character of Delegates.

The sessions of the convention are held in a mammoth auditorium decorated with flags, bunting, pictures of candidates and dead statesmen of the party. A large amount of space is given over to the representatives of the press from all parts of the country. The delegates are seated on the main floor, with the alternates in a block of seats directly back of them. The place assigned to each state or territorial delegation is indicated by a standard bearing the name of the state or territory. In the galleries thousands of spectators eagerly watch the proceedings of every session. Not content with being mere passive observers of the drama before them, they often engage in prolonged and noisy demonstrations for various candidates which seriously interfere with the transaction of the business of the convention. A European is astonished to see a thousand or more men attempt to transact the

Scene of the Convention.

[1] It is customary for delegates to pay their own expenses incurred while in attendance at a national convention. Minnesota recognized the public nature of the work of members of national conventions in 1913 by a law providing that delegates should be paid for attendance. Oregon passed a law in 1910 for the payment of the expenses of delegates, not to exceed $200 in any case. Both laws have been repealed. The Oregon law was repealed in 1915 and the Minnesota law in 1917.

two most difficult pieces of business an assembly can undertake —the solemn consideration of their principles and the selection of the person they wish to place at the head of the nation— in the sight and hearing of twelve thousand or more other men and women.[1]

Political managers sometimes seek to "pack" the galleries with the friends of their aspirant for the nomination in order to insure a systematic and prolonged demonstration for that candidate, much after the manner of cheering sections at a great intercollegiate football contest. Formerly it was believed that such demonstrations from the galleries had some influence upon the decision of the convention; but it is very doubtful whether, in recent years, they have produced any effect upon the final result. The seasoned politicians in the convention, and they are in the majority, understand that this enthusiasm is more or less factitious and manufactured for the occasion, and they discount it accordingly.[2]

Motives at Work

Those who direct, or vote in, a convention are animated by four sets of motives acting with different degrees of force on different persons. There is the wish for a particular aspirant to win. There is the wish to defeat a particular aspirant, a wish sometimes stronger than any predilection. There is the desire to get something for one's self out of the struggle, for example, by trading one's vote or influence for the prospect of a federal office. There is the wish to find the man who, be he good or bad, friend or foe, will give the party the best chance of victory. "These motives cross one another, get mixed, vary in relative strength from hour to hour, as the convention goes on, and new possibilities are disclosed. To forecast their joint effect on the minds of particular persons and sections of a party needs wide knowledge and eminent acuteness. To play upon them is a matter of the finest skill." [3]

[1] Bryce, II, 194; see also Ostrogorski, II, Pt. 5, Ch. III.

[2] The noisy demonstrations in the Democratic convention of 1924 exceeded those of any preceding convention. For a good description, see the New York *Times*, June 27, 1924.

[3] Bryce, II, 190.

(1) *Opening session.* The national convention ordinarily remains in session for a period varying between three days and an entire week.[1] Usually about four days suffice for the transaction of all business. At the appointed hour the convention is called to order by the chairman of the national committee. The secretary reads the official call of the convention, and then prayer is offered by some clergyman, this daily function being assigned to clerical representatives of different denominations.

Convention Proceedings.

The national chairman then names the person who has previously been selected by the national committee to serve as temporary chairman, and also announces those persons who have been selected to serve as temporary general secretary, chief assistant sergeant-at-arms, and other minor officers. Although it is in order to make other nominations from the floor for these positions, ordinarily those named by the national committee as temporary officers are accepted by the convention without objection. There are occasions, however, when, as in 1912, factional feeling runs so high that rival factions nominate opposing candidates for temporary chairman as a means of testing the voting strength of the factions. The temporary chairman having been selected, a committee is appointed to escort him to the chair, and he is presented to the convention by the national chairman, who now retires from the scene. The temporary chairman then delivers a speech of some length, prepared before the convention met, in which he assails the record of the opposite party, eulogizes his own party, pleads for harmony, and endeavors to arouse enthusiasm among the assembled delegates.

Selection of Temporary Chairman.

It is then in order for some one to move for a roll-call of the states to name members of the four great committees of the convention: the committee on credentials, on permanent organization, on rules and order of business, and on platform and resolutions. This motion being carried, the secretary of the convention calls the roll of states

Appointment of Committees.

[1] The Democratic convention of 1924 was one of the longest on record, lasting seventeen days.

in alphabetical order. As each state delegation is reached, its chairman rises and announces the members who have been selected by the delegates to represent that state on the respective committees, each state being entitled to one representative. It is coming to be the more common practice, however, to omit the formal roll-call, and for the chairman of each delegation to furnish the secretary of the convention with a list of members chosen by the delegation for the different committees. With the naming of these committees the first session usually ends.

(2) *Reports of committees.* The second, and sometimes the third, session of the convention is usually devoted to receiving and considering the reports of committees. The committee on rules and order of business usually recommends the adoption of the rules of the preceding national convention or of the national House of Representatives so far as they are applicable. The committee further recommends the following order of business: report of the committee on credentials, report of the committee on permanent organization, report of the committee on platform and resolutions, the nomination of candidates for president, the nomination of candidates for vice-president, miscellaneous motions and resolutions.[1]

Committee Reports.

The convention cannot proceed to the transaction of its most important business until it is finally determined who are entitled to participate in the work of the convention. The determination of this important matter is the task of the *committee on credentials*. It often happens that two delegations from a state or congressional district appear at the convention, each claiming that it is the duly elected delegation and therefore alone entitled to represent the state or district in the convention. Whenever such "contests" arise, the party rules require the contestants to file with the secretary of the national committee all papers or evidence bearing upon

The Credentials Committee.

[1] This order was slightly changed in the Democratic convention of 1912 by placing the nomination of candidates before the adoption of the platform. The full report of this committee in the Republican convention of 1924 appears in the New York *Times*, June 12, 1924.

the dispute a specified number of days before the meeting of the convention. After the national committee has passed upon these contested cases, it makes up the temporary roll of the convention. As soon as the convention has organized, the national secretary turns the evidence over to the chairman of the committee on credentials, and this committee forthwith proceeds, with varying degrees of thoroughness and impartiality, to conduct an investigation of its own respecting the claims of the rival delegations. At times these disputes or contests are so numerous that the business of the convention is delayed several days, as in the Republican convention of 1912, although the committee may be in almost continuous session, day and night. It sometimes happens, as in 1912, that the fate of rival aspirants for the presidential nomination and of important planks in the platform depends upon the decision of these contests. Hence the hearings before both the national committee and the committee on credentials often become the occasion of great strife and bitterness. When the committee on credentials has finished its labors, it reports to the convention a list of those delegates who are entitled to sit in the convention and take part in its business. Ordinarily this report is accepted by the convention. Occasions have arisen, however, where a minority of the committee has presented a dissenting "minority report," opposing the seating of certain delegates, and the convention, usually after an exciting debate, has substituted this for the majority report. Compromises are sometimes attempted by seating both contesting delegations but giving each delegate only half a vote.

The committee on permanent organization nominates a permanent chairman and a list of other permanent officers. These nominations are usually accepted by the convention, although a contest may be precipitated, as in the case of the selection of the temporary chairman. When the report of the committee on credentials is delayed, the permanent organization may be effected before the membership of the convention is finally determined. The permanent chairman, after being escorted to the chair by

Permanent Officers.

a committee, makes a lengthy speech in which he endeavors to outline the issues of the ensuing campaign or to "sound a key-note" for the convention.

While the foregoing matters have been occupying the attention of the convention, the *committee on platform and resolutions* has been at work putting into final form the declarations or resolutions which have been drafted by some party leader or committee before the convention met and which, if adopted by the convention, are to constitute the party's platform for the next four years. The circumstances surrounding the drafting of the platform and the weight that is to be attached to it have already been explained.[1] The convention exercises its right either to accept the report of the committee without change or to introduce very important modifications.

The Platform.

(3) Having completed its organization, determined its membership, and adopted its platform, the convention is ready to take up the business of supreme interest and importance, the selection of its candidate for president. The secretary of the convention calls the roll of states, beginning with Alabama, and as each state is called the delegates from that state have the right to place a candidate in nomination. In case a state which is reached in the early part of the roll-call has no candidate to propose, it has the privilege of yielding its place to a state farther down the list, like Ohio, in order to give some member of the Ohio delegation an opportunity to place in nomination a candidate from that state. The average number of nominations in a convention is seven or eight, and it rarely exceeds twelve. In the Democratic convention of 1924, however, the names of no less than sixteen candidates were formally presented to the convention. These nominations are accompanied by elaborate speeches, characterized by extravagant eulogy of the claims and merits of the candidate named.[2] The enthusiasm evoked by some ex-

Nominating Procedure.

[1] See Chapter II.

[2] The two most famous nominating speeches are the "Plumed Knight" speech by Colonel R. G. Ingersoll placing James G. Blaine in nomination

amples of convention oratory has taken the form of wild demonstrations lasting over an hour and wholly interrupting the proceedings of the convention.[1]

After the nominating and seconding speeches are concluded, the convention settles down to the "balloting." The roll of the states is again called by the secretary, and as each delegation is named its chairman rises and announces how the delegates from that state vote. His announcement may be challenged by a delegate, and thereupon the secretary proceeds to "poll" the delegation—that is, to call the roll of members from that state, each member announcing his vote as his name is called.[2] In order to win the nomination, a candidate in the Democratic convention must receive the votes of two-thirds of the delegates, while in the Republican convention a bare majority is sufficient to nominate.

This "two-thirds rule" of the Democratic convention is closely bound up with another peculiar feature of that party's national convention, namely, the "unit" rule. From about 1832 until 1912 the unit rule could be applied in two different ways: (1) any state convention might instruct the delegates to cast their votes as a unit in the national convention; or (2) the delegates from any state might themselves decide by a majority vote to cast the entire vote of the state as a unit. Thus, in the delegation from New York, consisting of ninety members, there may be forty-six in favor of one candidate and forty-four in favor of another; under the unit rule the forty-six are able to cast the entire ninety votes of the state in favor of their candidate. New conditions, however, created by the spread of the direct primary method of electing delegates to the national convention, and particularly the complications in Ohio in 1912, led the Democratic national

The "Unit" Rule.

in the Republican convention of 1876 and the speech of Senator Roscoe Conkling, of New York, nominating General Grant for a third term in the Republican convention of 1880. These speeches may be found in *Modern Eloquence*, XIII.

[1] See Ostrogorski, II, Pt. 5, Ch. II.

[2] Written or printed ballots are never used in the Democratic or Republican national conventions.

convention that year to adopt an important change in the rules under which the unit rule is not to be applied to delegates elected, under mandatory state laws, by congressional districts, unless the state law expressly places these district delegates under the authority of the state convention or state committee. In such cases and in all others, the unit rule, when enacted by a state convention, is still to be recognized and enforced.[1] The unit rule reflects the early states'-rights antecedents of the Democratic party by recognizing the right of a "sovereign" state, as represented in its delegation in the national convention or in its state convention, to determine how the entire vote of that state shall be cast. As long as the unit rule prevails, the two-thirds rule is also likely to remain in force, for there is a close connection between the two rules. "If the two-thirds rule be abrogated while the unit rule prevails, a few of the large states, though their delegations may be nearly equally divided, may, by enforcing the unit rule, secure a majority of the convention for a candidate whom only a minority of the delegates really favor. The two-thirds rule lessens the probability of this."[2]

The unit rule does not obtain in the Republican convention except to the limited extent to which it may be said, in effect, to have been established by the presidential preference primary. There each delegate has the right to vote as he chooses and to have his vote so recorded, being held responsible only to his constituents at home. The Republican convention recognizes no other political body superior to itself, and therefore does not recognize the binding force of instructions issued by the conventions which chose the delegates.

Sometimes it happens, as in the Republican conventions of 1904, 1908, and 1924, that one candidate receives a sufficient number of votes to be nominated on the first ballot; but usually more than one ballot is necessary. In 1852 Franklin Pierce was nominated on the forty-ninth and General Scott on the fifty-third ballot; in 1880 Garfield was nominated on the thirty-sixth

[1] Democratic national convention, *Official Report*, 1912, pp. 59–76.

[2] Woodburn, 278–280. The two-thirds rule was first adopted by the Democratic convention of 1832. See Dallinger, 40–43.

ballot; in 1912 Woodrow Wilson on the forty-sixth ballot; and in 1920 Governor Cox on the forty-fourth ballot. In 1924, however, all records were broken by the Democratic convention when 103 ballots had to be taken. Such prolonged contests, however, are about as rare as the cases in which nominations are made on the first ballot.

Among the important factors in determining the selection of a candidate by the national convention the following have been noted: A candidate is desired who is likely to gain the most support and at the same time excite the least opposition within and without the party. His ability is taken into account, also the length of time he has been before the public, his oratorical gifts, his personal magnetism, his family and business connections, his face and figure, his morality and business integrity, his political record, his attitude upon leading issues of the day, the personal jealousies or hatreds which he has excited, and, finally, the state in which he lives. Other things being about equal, a candidate coming from a large and doubtful state is preferred to one coming from a state whose electoral vote is small or from a state which can always be relied upon to give the party a majority.[1]

Factors Affecting the "Availability" of Candidates.

Whenever a candidate finally receives a number of votes sufficient to nominate, it is customary for a prominent supporter of the next highest aspirant to move to make the nomination unanimous. This done, the convention is worn out if the contest has been long and exciting, and usually takes a recess until the next day. In the meantime the managers of the aspirants for the nomination for vice-president are busily at work in the interests of their favorites.

Upon reconvening the following day, the convention proceeds to the nomination of its vice-presidential candidate. The method used is precisely the same as that used in nominating the presidential candidate. It seldom happens, however, that there is a pro-

Naming the Vice-Presidential Candidate.

[1] Bryce, II, 187. See also the chapter "Why Great Men Are Not Chosen President"; *Ibid.*, I, Ch. VIII.

longed contest over the vice-presidency; the business is usually despatched as hastily as possible. It is considered good policy to award the nomination to a prominent representative of a faction which has been defeated in the race for the presidential nomination, as happened in the case of General Arthur in 1880; and this is especially likely to happen if such a man can be found in an important or doubtful state. Inasmuch as the vice-president may be called upon to perform the duties of president, far too little consideration is given to the choice of a fit and capable man for this position of great potential importance.

With the naming of the candidate for vice-president, it only remains for the convention to adopt a few routine resolutions and to authorize the appointment of a committee consisting of one from each state, formally to notify the presidential candidate of his nomination and a similar committee to notify the vice-presidential candidate. The business of the convention then being at an end, it adjourns *sine die*. These committees on notification subsequently visit the nominee at his home or meet him at some appointed place. The chairman, or some other previously selected member, makes a formal speech notifying the candidate of the action of the convention. Thereupon the candidate delivers his "speech of acceptance." Sometimes this has been followed a few weeks later by a lengthy "letter of acceptance." In comparison with the platform adopted by the convention, these speeches and letters, as we have already seen,[1] have come to be regarded as of equal or even greater significance. They comprise a preliminary survey, a general review, definite in some things and indefinite in others, interpreting, and endorsing without too much detail, the party platform; and emphasizing some of the main lines of attack upon the adversary. They are the opening guns of the real presidential campaign.

Committees on Notification.

Within the last few years the national convention system has been almost as vigorously assailed and severely criticised as the convention system for county and state nominations; for many,

[1] See Chapter II.

if not all, of the evils which have characterized the convention system generally have commonly—one may almost say regularly—appeared in connection with the national convention. The following vigorous indictment of the national convention hardly overstates the feeling of those who have closely scrutinized convention activities:

Defects of the National Convention.

> A national convention represents more wasted energy, more futile, bootless endeavor, more useless expenditure of noise, money, and talent, than any other institution on earth. It has grown into a cumbersome, frightfully expensive, terribly laborious machine which spends months getting under way, and once under way devotes nine-tenths of its time of operation to buncombe and claptrap which deceive no one, not even the men who create this buncombe and this claptrap. At last, when the shouters have grown weary and the lesser booms, being punctured, have lost the only thing they ever contained—which is wind—the real leaders go ahead and do the thing they might have done earlier, except for the belief among them that the fetish of tradition must be coddled, and the convention, obeying an ancient precedent, must be permitted to drag out a foregone conclusion, which twice out of three times was a foregone one from the start. . . .[1]

While the foregoing trenchant criticism hardly overstates the feeling of those who, from a detached point of view, have closely followed the activities of recent conventions, there are more serious and fundamental defects of the national convention system which may be enumerated as follows:

(1) The infrequency with which the national convention meets—only once in four years—makes it an unsatisfactory agency for the formulation of national party policies. New issues often arise between conventions which are not dealt with in the quadrennial party platform; and no other means is provided for ascertaining and defining the position of the party with respect to such issues until the next presidential campaign comes around. In Switzerland, on the other hand, provision is made for holding party diets or conferences which meet at least annually to consider party policies.[2]

[1] Irvin S. Cobb, Chicago *American*, June 10, 1916.

[2] See R. C. Brooks, *Government and Politics of Switzerland*, 307–309 (1918).

(2) The presence of ten thousand or more spectators plus a thousand delegates and an equal number of alternates constitute an assembly in which real deliberation and debate are impossible. Control and leadership inevitably gravitate into the hands of a small coterie who meet and deliberate in secret.

(3) The basis upon which representation in the convention is allotted to the several states—upon population rather than voting strength—is deemed by many to be a most serious defect. In the case of the Republican party, as stated above, this has developed into nothing less than a scandal, which recent changes have done little to correct.

(4) The local politicians in control of the state and local party machinery are constantly seeking to secure the election of delegates to the convention who can be relied upon to execute their orders or plans—in the popular slang, delegates who "will stand without hitching." [1] The introduction of the direct primary method of choosing delegates has, to some extent, mitigated this evil.

(5) The presence of federal office-holders, often in large numbers, has not infrequently given the administration an undue influence in determining nominations.

(6) Too much power has been vested in the national committee in making up the temporary roll of the convention, for the delegates who are seated temporarily are the ones who determine the personnel of the committees, and especially the strategically important committee on credentials. This defect stood out most glaringly in the Republican convention of 1912, when on the credentials committee were found "members whose seats were contested, representatives of delegations whose seats were contested, and even members of the national committee who had assisted in the preliminary decision of contests. Furthermore, the accep-

Power of the National Committee.

[1] "If the voters of the country could read the accounts in Missouri papers of old-fashioned, packed, and gavel-ruled caucuses and conventions held there in the process of selecting national delegates (in 1920), most of them would call for extended application of legal regulation, if not for the direct primary." R. S. Boots, *Nat. Mun. Rev.*, Supplement, IX, 612 (1920).

tance or rejection of the report of the committee on credentials depends upon the votes of delegates whose names are on the temporary roll. Thus the unedifying spectacle was unfolded of delegates passing upon their own credentials—assisting by their votes to seat themselves." [1] The key to the control of the national convention is therefore to be sought in the control of the national committee, a body which until recently was a hold-over body from the preceding convention.[2]

(7) The irresponsibility of the national convention is also an objectionable feature. The absence of any federal statute regulating either the organization or the procedure of a national convention has made it possible for convention rules to override state laws prescribing the way in which delegates shall be elected. A convention may admit or reject any delegation it pleases, the laws of any state to the contrary notwithstanding. In a close contest the exercise of such a power may be fraught with the most serious consequences to the country, and should therefore be subject to legal control, at least so far as the composition and procedure of the convention are concerned. As it is, each party is a law unto itself in the matter of selecting its candidates; and that law, as reflected in the rules and proceedings of the national conventions, has been more largely the result of haphazard growth than of a conscious or deliberate effort to provide means for the full and free expression of the sentiment of the mass of party voters.

(8) Under the national convention system the mass of party voters have practically no direct influence in determining the presidential and vice-presidential nominees of their respective parties. This is true even in states which have presidential primary laws providing an opportunity for the direct expression of the voter's preference; and still more true in states where delegates continue to be named in district or state conventions. The only real influence which the average voter now has in the

[1] F. W. Dickey, *Am. Pol. Sci. Rev.*, IX, 170–172 (1915).

[2] The choice of national committeemen by direct primary, which has been required by law in some states since 1912, is likely to make that committee more truly representative of party sentiment.

choice of president and vice-president is exercised on presidential election day in November, when he merely indicates his preference between the candidates which the Democratic and Republican national conventions have seen fit to submit to his formal approval.[1] And these conventions consist of delegates, most of whom, even those from their own state, are personally unknown to the rank and file, for whom they may have had no opportunity to vote, of whose presidential preferences and political views they may be wholly ignorant, and whose convention proceedings, as already stated, are governed by no law, state or national.

Mainly as a protest against a nominating system which relegates the electorate to the position of a mere ratifying body, and also as a repudiation of the tacit assumption of defenders of the convention system that, although the voters are competent to *elect* their president and vice-president, they are not competent to *nominate* them directly, the state presidential primary laws, described above, have been adopted in about twenty states since 1910. In spite of their wide variations in details, these laws all have this in common: they are attempts, crude to be sure but on the whole sincere, to give to the rank and file of party voters a more *direct* voice in naming presidential candidates than they had previously enjoyed.

A National Presidential Primary Law.

Principally for this reason and also because the Republican national convention in 1912 manifested a disposition to disregard and set aside the choice of the great majority of Republican voters for the presidential nomination that year, many people greeted with enthusiasm the appearance of the presidential primary laws, and confidently predicted the early disappearance of the national convention system and the substitution of direct nomination of presidential candidates in a nation-wide direct primary. President Wilson gave expression to this feeling when, in

[1] If dissatisfied with these selections, he may, of course, exercise the inestimable privilege of "throwing away" his ballot by voting for the candidates of some third party, whose running probably will not have the slightest influence upon the result of the election.

his first annual message to Congress, in December, 1913, he said:

". . . I feel confident that I do not misinterpret the wishes or the expectations of the country when I urge the prompt enactment of legislation which will provide for primary elections throughout the country at which the voters of the several parties may choose their nominees for the presidency without the intervention of nominating conventions." He then went on to favor the retention of the national convention, but with its composition entirely changed and its function greatly restricted. "This legislation should provide for the retention of party conventions, but only for the purpose of declaring and accepting the verdict of the primaries and formulating the platforms of the parties: and I suggest that these conventions should consist not of delegates chosen for this single purpose, but of the nominees for Congress, the nominees for vacant seats in the Senate of the United States, the senators whose terms have not yet closed, the national committees, and the candidates for the presidency themselves, in order that platforms may be framed by those responsible to the people for carrying them into effect."

President Wilson's Recommendation, 1913.

Following this message, a number of bills were introduced into Congress in 1914 providing for a national presidential primary, for the regulation of the national convention by federal law, and even for the *abolition* of the national convention; but no action was taken either by Congress or by the Democratic leaders in control of Congress for carrying out the president's recommendations.[1] The fact is, the movement to obtain a national presidential primary law soon ran against the stone wall of unconstitutionality: no grant of power, express or implied, can be found in the Constitution to justify Congress in enacting any of the bills offered. Since then, public interest in the presidential primary has been at a low ebb, due in part to the World War and its aftermath, and especially to the thoroughly disappointing results of the primary in the pre-convention campaigns of 1916 and 1920.

[1] These bills are summarized in *American Year Book, 1914*, pp. 68–71.

Indeed, in 1916 the circumstances were such as to render the presidential primary next to useless. In the Democratic party there was no contest whatever: President Wilson's renomination was a foregone conclusion. On the Republican side, due consideration of the proprieties prevented the submission of Justice Hughes's name in a primary contest; and Colonel Roosevelt had forbidden any primary contest to be made in his behalf. Other presidential possibilities had only a local and relatively insignificant following, so that primary voting was reduced to complimentary expressions for "favorite sons," no one of whom developed any real strength outside his own state. The presidential primary thus gave no aid and pointed to no conclusion in the nomination of candidates that year. Scarcely more can be said for it in the pre-convention canvass of 1920 or 1924. Despite the primary laws, the national conventions continue to be *a law unto themselves and to have the last word respecting the choice of nominees.*

The Presidential Primary in 1916 and 1920.

Experience gained in the last three presidential campaigns thus appears to justify the widely held opinion that the presidential primary is not likely to be of real value, so far as the direct choice of presidential candidates is concerned, except at a time when there is a real contest which grips the rank and file of the party; or when there is a single issue, or a limited number of absorbing issues, together with candidates big enough to fill the horizon of the popular mind. Under any other conditions, that is to say, under *normal* conditions, it may well be doubted whether a presidential primary, *operating under widely diverse state laws*, will ever give the rank and file of party members that increased weight and influence in selecting presidential candidates which the early advocates of the system confidently predicted.

The explanation for these disappointing results in practice of a system which in theory has so much to commend it is to be found either in certain defects which characterize the existing presidential primary system as a whole or in defects which appear in one or more of the state presidential primary laws.

Defects of the Presidential Primary.

In the first place, these laws are as diverse as our divorce laws, and are likely to remain so indefinitely. Not only do less than half the states have them, but they do not operate with uniform efficiency even where they are in force. Indeed, lack of uniformity, not merely in minor details but also in essentials, sums up, perhaps as well as can be done in a single phrase, the salient and serious shortcomings of existing presidential primary legislation. For example, the time for choosing delegates is strung along all the way from March to early June; thus lending encouragement to migratory campaigns from state to state in the interest of various aspirants, which have been not inaptly likened to the peregrinations of a circus troupe. There is lack of uniformity, likewise, in determining whether the state-wide preference or the district preference shall control the action of delegates when the two votes are for different candidates; and also in determining how long and on what preliminary questions in the convention the delegates must act in accordance with the expressed preferences of their constituents. Numerous other points of variation might be mentioned,[1] but the foregoing are unquestionably the most fundamental defects of the existing presidential primary system, if *system* it can properly be called. And it may be added that their elimination, without destroying the institution itself, presents a problem unsurpassed in difficulty by any other in the wide range of practical politics. And, finally, to defects that are attributable to diversity in primary laws should be added the criticism that the system is extremely cumbersome and inevitably costly. No man can run effectively for the presidential nomination in all, or even in a considerable number, of the state primaries without the expenditure of large sums of money. Granting that this all goes for perfectly legitimate purposes, such expenditures none the less are bound to give rise to disquieting rumors and suspicions, and thus tend to undermine that popular confidence in the primary system which is essential for its successful operation.

Confronted, then, on the one hand, by an unsatisfactory and

[1] F. M. Davenport, "The Failure of the Presidential Primary," *Outlook*, CXII, 807 (1916); R. S. Boots, "The Presidential Primary," *Nat. Mun. Rev.*, IX, Supplement, 596–617 (1920).

discredited national convention system and, on the other hand, by an equally faulty and distrusted presidential primary system, where are we to look for escape from what seems to many to be an inescapable dilemma? Can these two institutions be made to work together effectively so as to give clear and unmistakable expression to the will of the majority, or are they so mutually incompatible that one or the other of them must go into the discard?

Possible Reforms.

Those who believe that the presidential primary has not been given a fair and thorough trial, and are therefore unwilling to concede that it cannot be made to work satisfactorily, may direct their activities toward one or the other of two possible objectives, each of which is going to be extremely difficult of attainment. In the first place, a national committee on a uniform presidential primary law might be organized, which, after thorough study, should draft a "model" presidential primary law and seek in all legitimate ways to secure its enactment state by state.[1] Obviously such a committee would function after the manner of its prototype, the National Child Labor Committee, or through the Commissioners on Uniform State Laws.

(1) Uniform State Presidential Primary Law.

Progress along this line will inevitably be slow, perhaps discouragingly so; and for this reason many supporters of the presidential primary may feel that it is hopeless to expect much relief in the near future, if ever, through separate, albeit uniform, state legislation.[2] Such persons no doubt will find the alternative line of action more to their liking; namely, an organized movement to bring about the adoption of a federal constitutional amendment

(2) A National Constitutional-Amendment.

[1] See F. W. Dickey, "The Presidential Preference Primary," *Am. Pol. Sci. Rev.*, IX, 467–487 (1915).

[2] Early in 1923 the People's Legislative Service, which is closely affiliated with the Conference for Progressive Political Action mentioned in Chapter III, sent out from its Washington headquarters the draft of a "model" uniform presidential primary bill to be adopted by separate state action. This bill provides for the holding of presidential primaries in each state on the first Tuesday in April in each presidential year, and for the compulsory filing of nomination papers for each candidate not later than the last Tuesday of February of that year. The official ballot is to be made up of the several

empowering Congress to regulate the methods of nominating candidates for the presidency and vice-presidency. This second line of action appears far more likely to result in fundamental and permanent improvements than can ever be expected to follow an attempt to secure uniform presidential primary laws in forty-eight different states.

The proposed amendment should be so worded as not to restrict Congress to the choice of any particular plan governing presidential nominations; on the contrary, that body should be left entirely free to adopt any system of regulation. Agitation for a federal constitutional amendment, however, will inevitably be accompanied by wide discussion of possible lines of legislation which Congress *might* adopt in acting under the broad grant of power just indicated. Here, of course, sharp differences of opinion are certain to develop, as in the case of other important questions of public policy. Some will advocate the direct popular nomination of presidential candidates and the radical reorganization, perhaps the virtual abandonment, of the national convention, substantially along the lines recommended by President Wilson. Others will be content merely to provide for the direct election of delegates to national conventions in a uniform manner on a uniform day throughout the country, for a more equitable basis of representation in those bodies, and for legal regulation of their procedure, especially in the case of contesting delegations; but, in all other essential respects, they would prefer to leave the present national con-

party tickets arranged in alphabetical order according to party names. The names of the candidates on each ticket are to be arranged according to surname. The candidate of each party receiving the largest number of votes cast for candidates of that party is to be declared nominated. The candidate thus chosen must, ten days prior to the holding of the national convention for the nomination of candidates for president and vice-president of the party in question, file with the secretary of state his designation of delegates to the national convention. Delegates are to be apportioned to the states as follows: four delegates-at-large and two for each congressional district, and two alternate delegates-at-large and two for each congressional district. It will be observed that this bill retains, unchanged, the old basis of representation in both the Republican and Democratic conventions, which was in force until after 1912. See pp. 132–134.

vention system unchanged. Between these two extremes, numerous other plans are certain to be advanced in one quarter or another.

One such plan is based upon the belief that, in a country 3,000 miles wide and having more than 50,000,000 potential voters representing the most diverse economic, social, and political interests, we cannot afford to abolish, or even emasculate, the national convention and substitute direct popular nomination of presidential candidates, even under a uniform national primary law. As Senator Davenport of New York has truly said: "A leaderless democracy is a delusion. The need in a vast country, like our own, of a genuinely representative national convention to debate and sift out policies and candidates is becoming more and not less certain. We ought never to give up the national convention for a leaderless national primary."

Importance of Retaining the National Convention.

But if we are not to abandon the national convention, its organization and procedure must be regulated by *national* law; and it must be made to function in such a manner as not to defeat or override party sentiment; on the contrary, it must supply the *open*, *responsible*, and *official leadership* in the selection of candidates and determination of party policy, which is so much needed. Genuinely responsible *leadership* on the part of the convention, however, implies that the last word in the selection of presidential candidates must reside with the rank and file of party voters, and not with the convention, as at present. To insure that this leadership shall be a truly *responsible* leadership, a uniform, nation-wide, direct primary is indispensable; but the logical time for holding it is not *previous* to a national convention, but *subsequently*. Its function should not be to elect delegates and seek to control their action in convention by more or less futile instructions or preferential votes; on the contrary, the sole function of the primary should be a far more important one; namely, to make the *final* choice of candidates for the presidency and vice-presidency from a list previously selected and submitted by the national convention. In other words, both

Reforming the National Convention.

national convention and presidential primary should be retained, *but their relations should be exactly reversed.* With the final decision as to nominees lodged with the mass of party voters, expressed through a nation-wide primary held a month or so after the convention has met to sift the various aspirants and formulate a platform, the present danger of the ultimate control of nominations falling into the hands of convention manipulators would largely disappear, and popular confidence in the presidential primary would be restored.

Its New Rôle.

Under such an arrangement, the new rôle of the national convention would be restricted to drafting the party platform and to the selection of not more than five or six names to be submitted to the party voters at the ensuing primary for final decision. The aspirant receiving the highest number of votes in the primary would thereby become the candidate for the presidency, and the one receiving the next highest vote (unless he were already president or an ex-president) should be bound to accept the nomination for the vice-presidency.[1] Not the least of the advantages claimed for such a system is that it is almost certain to result in the selection of vice-presidential candidates of uniformly higher caliber than hitherto.

Space does not permit elaboration of other advantages which such a nominating method would have over existing practices. Nor is there space even to outline the details that should be provided for by congressional legislation in order to make such a scheme workable, further than to say that undoubtedly the composition of the national convention needs to be changed in order to make it a more wieldy, a more deliberative, and a more representative body; but the precise *method* of determining its membership becomes of secondary importance. If the final decision respecting nominations is to be placed in the hands of the party electorate, much may be said in favor of limiting the membership in national conventions to national committeemen and state committeemen from the several states. At any

[1] Substantially this plan is set forth in somewhat more detail by H. T. Pulsifer, "The Pig and the Primary," *Outlook*, CXXVI, 19–21 (1920).

rate, however constituted, voting power in the convention should obviously be based upon party voting strength in the states, and the present illogical apportionment of votes on approximately a population basis should be abandoned.

However numerous and however diverse may be the plans which are brought forward to improve our presidential nominating methods, nothing but good can come from the discussions and comparisons which they may elicit; and from these it is believed that eventually something may result which is far superior to the system under which we have been muddling along for almost a hundred years. At the present time, however, it is important for all friends of reform to remember that they must avoid becoming so wedded to their own pet reform projects as to lose sight of the fact that the *first* important objective is not the enactment of any particular one of these plans; indeed their respective merits are, at present, of quite secondary importance and will remain so for some time to come. But the principal thing to stress *now* is the need for complete unity and harmony and tireless energy in creating a public sentiment favorable to a federal constitutional amendment, empowering Congress to regulate the method of nominating candidates for president and vice-president. That amendment is the *sine qua non* for the success of *any* plan of reform, however meritorious and however widely supported.

QUESTIONS AND TOPICS

1. The rise and decline of the congressional caucus and other methods of nominating the president and vice-president before 1832.

2. The debate in Congress in 1824–25 over the congressional caucus. (See *Congressional Debates*.)

3. A series of reports on presidential campaigns, beginning with 1860, including convention proceedings.

4. What do the following terms mean: "favorite son," "favorites," "dark horses," "break," "stampede," applied to national nominating conventions? Give illustrations from the Democratic and Republican conventions since 1860.

5. Specimens of early and recent convention oratory.

6. "Why Great Men Are Not Chosen Presidents." (See Bryce, I, Ch. VIII.)

7. Make a chronological list of the cities where national conventions have been held.

8. What is the basis of representation in the national conventions of the Prohibitionist, Socialist and La Follette–Progressive parties?

9. The origin of the "unit" rule in the Democratic convention and the attempt to introduce it into the Republican convention of 1880.

10. The contest over the temporary chairmanship of the Republican conventions in 1880 and 1912 and in the Democratic conventions of 1896 and 1912.

11. The expulsion of members from the Democratic national committee in 1896.

12. The proceedings before the Democratic national committee in 1908 relative to the place of holding the convention of that year.

13. The debate in the Republican convention of 1908 over the proposed change in the apportionment of delegates among the states.

14. The contests over the seating of delegates in the Democratic convention of 1908.

15. The contests over the seating of delegates in the Republican convention of 1912.

16. The different ways in which delegates are influenced and manipulated by the managers at a national convention.

17. Is it true, and, if so, in what sense, that the national conventions dictate the selection of presidential electors and congressional legislation? (See Morgan.)

18. How do state primary election laws regulate the selection of delegates to the national convention?

19. Arguments for and against the choice of delegates to the national convention by direct primary method, and the nomination of president and vice-president by the same method.

20. The anti-third term sentiment, applied to the presidency: its origin, subsequent history, and arguments for and against.

21. Arguments for and against one term of six years for the president and his ineligibility for a second term.

22. The Democratic and Republican national conventions of 1860.

23. The fight in the Republican national convention of 1912 over the temporary roll.

24. The rulings of Senator Root as temporary and as permanent chairman of the Republican convention of 1912.

25. In case of a conflict between state laws regulating the election of delegates to a national convention and the rules of the convention itself, which should prevail? For example, the case of the California delegation to the Republican convention in 1912.

26. During his term as president, did Mr. Taft follow or abandon the so-called Roosevelt policies? (See Garfield, McVeagh.)

27. What were John C. Calhoun's objections to the national convention system in 1844? (See McMaster's *History of the People of the United States*, VII.)

28. What is to be said for and against the payment of delegates to the national conventions as tried in Oregon and in Minnesota?

29. Proposals and plans for the reorganization of the Republican party, 1913–16.

30. The debate before the Republican national committee, December, 1913, and 1923, over changing the basis of apportionment of delegates.

31. The debate in the Democratic national convention of 1912 over the effect of the presidential preference primary votes upon the unit rule.

32. Why were the delegates from the Philippine Islands denied seats in the Democratic national convention of 1912?

33. Summarize the different presidential primary bills and bills for regulating the national convention before Congress in 1914. (See *American Year Book, 1914.*)

34. What are the principal legal and practical obstacles to the enactment by Congress of a presidential preference primary law? (See Dickey, *American Year Book, 1913.*)

35. Should Congress endeavor to secure the enactment by the several states of a uniform presidential primary law? If so, what should be the main features of such a law? (See Dickey.)

36. The operation of the presidential preference primary in 1912 and 1916 in Oregon. (See Barnett.)

37. The operation of the South Dakota presidential preference primary law in 1912, especially in connection with the choice of delegates to the Democratic national convention. The modifications of the law in 1915. (See Dickey.)

38. Trace step by step the negotiations between the Republican and the Progressive national conventions of 1916.

39. Can any practicable plan be devised whereby the electoral college can be substituted for the national conventions in nominating presidential candidates? (See Holcombe.)

40. Summarize the proceedings of the Republican and Democratic conventions of 1920 and 1924.

41. What part was played by the Wisconsin delegation in the Republican convention of 1924?

42. From the popular vote in the presidential election of 1920, figure out the degree to which various Southern states were overrepresented in the Republican convention of 1924 in comparison with normally Republican Northern states.

43. Report on the attitude of the different factions in the Democratic convention of 1924 toward the unit and the two-thirds rule.

44. What different plans were proposed for ending the deadlock in the Democratic convention of 1924, especially between July 5 and 7?

45. Operation of the Alabama and the South Dakota presidential primary laws in 1924.

46. Outline the most effective plan of campaign you can devise to bring about the adoption of an amendment to the national constitution authorizing Congress to regulate the nomination of presidential candidates.

47. Women as delegates and alternates in the conventions of 1924.

PART THREE

CAMPAIGNS AND ELECTIONS

CHAPTER IX

PARTY MACHINERY. NATIONAL, STATE, AND LOCAL COMMITTEES. ORGANIZATIONS OF WOMEN VOTERS

THE preceding chapters have indicated the most important methods by which political parties present to the voters their candidates for various local, state, and national offices. Although the nominating process is but a preliminary, an incident in the realization of the ultimate aim of a political party—the control of the government—it is in reality the strategic position in our whole political system. This the machine politicians fully realize. But the average citizen and the political reformer too often neglect these all-important preliminaries. They seem to forget that the character of the elected officials really depends upon the character of the nominations, and that in many states and cities a nomination by one party is equivalent to election.[1]

Importance of the Nominating Process.

Between the completion of the nominations and the day of election each political party engages in a contest, or "campaign," to enlist the majority of voters in support of its candidates. In the prosecution of campaigns each party relies upon a more or less elaborate organization, resorts to a great variety of methods to enlist public interest and support, and is compelled to raise and expend large sums of money. Party organizations or machinery and the conduct of campaigns are most clearly seen in a year in which a presidential election occurs, for in such years the campaign is prosecuted with the greatest vigor in every state, county, city, and rural district, and with maximum efficiency. The work done in state

Party Machinery of Presidential Campaigns Typical of State and Local Campaigns.

[1] See F. R. Kent, *The Great Game of Politics*, Chs. II, XI, XII (1923).

and local campaigns in other years does not differ essentially from that done in the presidential campaign; the difference is chiefly one of degree and not of kind. State and local campaigns are usually less expensive, less exciting, less spectacular, and involve less elaborate organization. The description of campaign work which follows will, therefore, be based upon conditions existing in a presidential election year. A presidential campaign is carried on simultaneously with the campaign for the election of representatives and senators in Congress, and very often for the election of governor or other important state officers, of members of the state legislature, and of local officers as well.

Organization of Prime Importance.

The public has a very exaggerated idea of the part which conspiracy, cunning, and corruption play in the conduct of a campaign. A certain amount of shrewdness is called for in efforts to outmanœuvre the opposing party, and corruption may be present in some measure in many warmly contested campaigns, but in most instances the work of organization is, after all, the essential thing. "This implies no phenomenal capacity for devising expedients of more or less doubtful morality, but rather a knowledge of men in all parts of the country and a capacity to do big things in a big way." [1] In most recent national campaigns the two great parties have had such a thorough organization that those in charge of the campaign have been able to keep in direct touch and communication with any city ward or rural district of the remotest town in the Union.

National Headquarters.

For some years preceding 1920 it had been the custom of both major parties, during a presidential campaign, to maintain national headquarters both in New York City and Chicago. The conduct of the campaign in the Eastern states was managed from the New York headquarters under the direct personal supervision of the national chairman, while the campaign in the Western states was conducted from the Chicago headquarters under the immediate direction of a vice-chairman, who, of course, kept in constant

[1] W. J. Abbott, *Rev. of Rev.*, XXII, 556 (1900).

touch with the national chairman. During the campaign of 1920 the Republicans maintained national headquarters not only in New York and Chicago, but also in Washington, D. C., Boston, Denver, and San Francisco. The Democrats, on the other hand, maintained only two, one in New York City and the other in Washington. Until recently, national headquarters have been closed shortly after the campaign ended, but since about 1916 both major parties have maintained permanent headquarters in Washington.[1]

The organization or machinery through which the great national parties carry on their campaigns to win elections takes the form of a great network of committees extending over the entire country and ramifying into every community no matter how obscure.

First in importance among these committees is the *national committee* of each party. This committee first appeared in the Democratic party in 1848, and was originally designed only as a temporary agency of party activity. But since the close of the Civil War the importance and influence of the national committee has steadily increased, until now it is an important political force from year to year and not merely in a presidential campaign. In theory, the national committee represents the whole party constituency of the country. Its members are usually keen observers of the trend of political sentiment in their respective states, and often they find themselves in a position to smooth over dissensions within the party, and thus to promote harmony.

The National Committee.

Before the adoption of national woman suffrage in 1920 the Republican and Democratic national committees consisted of one member from each state, territory, dependency, and the District of Columbia; and the Republican committee continued to be so constituted

Admission of Women.

[1] The Democratic permanent headquarters are 425–441 Woodward Building. The Republican headquarters are in the Munsey Building. A brief description of the work carried on by the Democratic headquarters between 1916 and 1920 may be found in the *Official Report* of the Democratic national convention of 1920, pp. 476–484, 531–535.

until 1924.[1] In 1920 the Democrats doubled the size of their national committee by authorizing the election of one man and one woman from each state or other unit represented in the national convention, including the Panama Canal Zone,[2] and four years later the Republicans followed suit.

Election of Members of National Committees.

Before 1912, members of the Republican and Democratic national committees were always elected by the national convention, to serve for the four years ensuing, one member being "nominated" by the delegation from each state, territory, dependency, and the District of Columbia. But the adoption, since 1910, of state primary laws requiring a different method of election has led to some modification of the old rules, although, in theory, the national convention continues to "elect" the members of the committee. Where state laws require the election of national committeemen in a party primary, or in some other specified manner, such an election is now treated as a "nomination" to the national convention, and the convention proceeds to "elect" the person thus nominated, as a matter of course.[3]

Officers of the National Committee.

The officers of the Republican national committee consist of a chairman, three vice-chairmen, a secretary, and a treasurer. All are elected by the committee. The rules do not expressly require that they shall be members of the national committee.[4] The officers of the Democratic national committee consist of a chairman, two vice-chairmen, a secretary, and a treasurer, all of whom must be members of

[1] Beginning with 1920, there was a woman "associate member" of the Republican national committee in about forty states. A brief historical sketch of the Republican national committee may be found in the *Official Report* of the Republican national convention, 1912, pp. 443–447. See also G. S. P. Kleeberg, *Formation of the Republican Party*, pp. 191 ff. (1911).

[2] Democratic national convention, 1920, *Official Report*, pp. 88–93. Full reports of the business transacted at recent meetings of the Democratic national committee are published in the Appendix to the *Official Report* of the Democratic national convention of 1920. There is no similar publication of the proceedings of the Republican national committee.

[3] Republican national convention, 1920, *Official Report*, 74, Rule XIV; Democratic Convention, 1920, *Official Proceedings*, pp. 88–95, 173–177.

[4] Republican national convention, 1920, *Official Proceedings*, 75.

the committee; and an executive secretary, a director of finance, and a sergeant-at-arms, who may or may not be members of the committee. All are elected by the committee.[1] Provisions appear in the rules of each party authorizing the election or appointment of additional officers or committees either by the chairman or by the national committee itself.

Between presidential campaigns the national committees fall into a state of suspended animation, rarely meeting oftener than once a year. In the months preceding and following a national convention, however, meetings are held rather frequently. At these sessions the committee decides upon (1) the place of holding the next national convention;[2] (2) the time at which the convention shall meet, within limits prescribed by the party rules; (3) agrees upon the allotment of delegates to the various states and other units to be represented, when so directed by the national convention; (4) issues the call for the convention; (5) appoints necessary local committees to attend to all preparations for the meeting of the convention; and (6) on the eve of the convention makes up the temporary roll of the convention and, incidental thereto, makes preliminary decisions in contested delegation cases. (7) Soon after the convention adjourns, the newly elected national committee meets and appoints a chairman to whom the committee then transfers practically all responsibility, and clothes with full authority, for the management of the campaign in all its varied aspects.[3] The committee endeavors, however, to assist the chairman in every possible way in executing the plans which he maps out.

Functions of the National Committee.

In 1920 a number of new organizations were either created or utilized to perform some of the work ordinarily done by the Republican national committee; for example, the National Young Men's Republican League,[4] the National Young Women's

[1] Democratic national convention, 1920, *Official Report*, 460.
[2] See Democratic national convention, 1920, *Official Report*, 548 ff.
[3] See H. Croly, *Marcus Alonzo Hanna*, Chs. XVI, XXI (1912).
[4] This organization had been created in 1912 and was active in 1916. *Hearings . . . Pursuant to Senate Resolution* No. 357, I, 1477 ff. (1920).

League, the Southern Protective Tariff Association,[1] the Committee of American Business Men,[2] and the American Defense Society.[3]

The position of the national chairman is so important as to deserve special consideration. His early functions were very modest in comparison with his present functions and influence.[4] Until recently most people could not have told who was the national chairman of their party. The office was regarded only "as a passing instrumentality of the party in a presidential campaign." With the campaign of 1884 the national chairman suddenly came into great prominence and has since remained one of the most potent party officials. In some measure this was due to the party revolution of that year in the election of Mr. Cleveland, and to the personality of the Democratic national chairman, Senator A. P. Gorman, of Maryland.

Duties and Importance of the National Chairman.

At the present time the national chairman is "the captain of the forces, the commander-in-chief, and head master of the machine." Nominally he is elected by the national committee; in reality, he is the personal choice of the presidential nominee. The position calls for a political tactician of the first rank, energetic, forceful, skilful, and astute. He must be a master of details, and at the same time capable of taking a correct view of the general situation and endowed with an unlimited capacity for hard work. He must possess the confidence of party leaders and have an almost intuitive grasp of the popular feeling. He must keep in touch with every fibre of the organization, holding frequent conferences with state chairmen in the most important and doubtful states and arousing in them a degree of enthusiasm which shall radiate to all the county and local committees. Such conferences enable him to know where the weak spots are, and why they are weak, and what can best be done to strengthen them. A national chairman will ordinarily classify the states in three divisions: doubtful, with

[1] *Ibid.*, 1491 ff. [2] *Ibid.*, 1496 ff. [3] *Ibid.*, 1511 ff.

[4] The description in the text is largely a condensation of an article by Rollo Ogden, *Atlantic Monthly*, LXXXIX, 76 (1902).

chances favoring his candidate; doubtful, with chances favoring the opposing candidate; and those states absolutely certain either for the Republicans or Democrats. The chairman gives the last class scant attention, concentrating his efforts in the main upon the first two classes.[1] Perhaps the severest test to which the national chairman is subjected lies in determining which states may be considered safe without extra effort, which states need the concentration of party energy, and in meeting unexpected issues or developments as they arise. He must ascertain just where money may be advantageously spent in hiring men and vehicles to make sure of getting voters to the polls. It may happen, and has happened, that a state conceded to the other party can be won by properly directed efforts along this line; that a close state is carried by a party on account of the greater perfection of its machinery for getting out the vote. Among other qualities essential to a successful national chairman the following may be noted: cool-headedness, tact, patience, resourcefulness, and decision. He must be conciliatory, secretive yet approachable, keen in his choice of helpers, able to command the services of the most effective workers in the party, and capable of making them work in unison and without overlapping.

The National Chairman's Control of Funds and Patronage.

In his capacity as chief manager of a presidential campaign, the national chairman has the control of vast sums of money forming the party campaign fund. He collects much of this money and issues orders for its disbursement. With many of the collections goes an express or tacit party obligation of which he alone is fully cognizant, and which it is his peculiar duty to see carried out. "Money is power in politics as everywhere else. A chairman who may determine how much is to be allotted to this state, that congressional district, this city, and the other county becomes inevitably the master of many political legions. There is no need of a hard-and-fast understanding between giver and recipient—least of all, any corrupt bargain. Common gratitude and the expectation of similar favors to come are enough to

[1] W. J. Abbott, *Rev. of Rev.*, XXII, 556 (1900).

bind fast the nominee for Congress, the candidate for a senatorship, or the member of the national committee for any given state, a large part of whose campaign expenses has been kindly paid for him from headquarters."

Furthermore, it cannot be doubted that a successful presidential candidate owes his election in no small measure to the efforts and efficiency of the national chairman. Naturally, therefore, presidents have felt moved by gratitude and party considerations often to place an enormous amount of patronage in the form of appointments at the disposal of the chairman, who uses it to reward campaign services and to fulfil campaign promises. Notable instances of great political influence thus exercised by successful national chairmen are the cases of Senator Gorman of the Democratic party during Cleveland's administrations and Senator Hanna of the Republican party under McKinley. Even the national chairman of a defeated party enjoys a large measure of political power, due solely to his position as head of the party organization.[1]

Closely associated with the national chairman is the *secretary of the national committee.* While subordinate in determining the policy of the committee, he is one of the most effective factors in a campaign. "The chairman may visit different parts of the country and may make campaign speeches; but the secretary is the constant executive worker and director at headquarters," and few men in the country are more familiar with the details of actual campaign work than he. He is an able business manager, he occupies a position of first-rate importance, and he probably knows more of the actual forces in practical politics than any other man in the country, unless it be the national chairman himself.[2]

Secretary of National Committee.

For the more efficient performance of the vast amount of work incidental to a presidential campaign, each national

[1] National chairmen in recent campaigns have been as follows: Democratic party: W. F. McCombs (1912), Vance McCormick (1916), George White (1920), and Clem L. Shaver (1924); Republican party: C. D. Hilles (1912), W. R. Wilcox (1916), Will H. Hays (1920), and W. M. Butler (1924).

[2] J. A. Woodburn, *Political Parties*, (1914), 300.

committee or national chairman appoints several subcommittees and organizes numerous auxiliary committees.

Auxiliary Committees.

Of first importance among these subordinate campaign committees is (*a*) the executive committee, appointed by the national chairman, whose members serve as the chairman's staff officers and close advisers throughout the campaign. In 1920 the Republican executive committee consisted of eight women and fourteen men, including the national chairman and nine members of the national committee. The Democratic executive committee consisted of seventeen women and an equal number of men, including the national chairman. Other subordinate committees in 1916 probably outnumbered those in any previous presidential campaign. Under slightly varying names, the Democratic and Republican organizations that year had (*b*) a campaign committee, consisting mainly of the heads of other committees and bureaus, a sort of "general staff" or "board of strategy"; (*c*) an advisory or associate committee, made up principally of leaders of the Progressive party of 1912; (*d*) a finance committee, whose members were charged with the duty of raising campaign funds and turning them over to the treasurer and his staff for disbursement; (*e*) a publicity committee or bureau to look after the preparation and distribution of campaign literature and news items for the press; (*f*) a speakers' bureau; (*g*) a campaign club committee, to promote the formation of clubs and leagues among young men, first voters, college men, railroad employees, and business men; (*h*) a woman's bureau, to look after the organization of women voters—a new feature due to the increased number of women voters; (*i*) the organization bureau, to keep in constant touch with various state, county, and municipal organizations and correlate their work with that of the national committee; (*j*) various other bureaus to enlist special classes of voters, such as the labor bureau, the foreign voters' bureau, the educational bureau, and the farmers' bureau.[1]

[1] See T. H. Price and Richard Spillane, *World's Work*, XXXII, 663 (1916); Mention has already been made of another Republican auxiliary committee in 1920, whose work was performed before the national convention met, namely, the advisory committee on policies and platform. See Chapter II.

Senators and representatives in Congress are chosen at every presidential election, and also mid-way between such elections; and this has brought into existence congressional and senatorial committees which assist in the election of candidates bearing their respective party labels. The Republican congressional committee is composed of one congressman from each state having a Republican member in the House of Representatives, nominated by the state delegation in Congress and formally elected by joint caucus of Republican senators and representatives. The officers, consisting of a chairman, two vice-chairmen, a secretary, and a treasurer, and an executive committee of fifteen members, are elected by the general committee. The Democratic congressional committee is differently constituted. That committee consists of one member from each state—usually a member of the House of Representatives, selected by the delegation from that state. But if the state is without a Democratic representative, the committee chairman appoints some one, usually an ex-member, to represent it. The chairman is of course elected by the committee, and he appoints the other officers, an executive committee, and such other committees as may be needed.[1] Since the adoption of popular election of senators, similar committees, called senatorial campaign committees, have been created by both parties. They do not differ essentially in their composition, officers, and methods from the congressional committees, which have long been factors in the election of members to the lower house.[2] Although these committees are reorganized every two years, the members are generally re-elected as long as they remain in Congress and are willing to serve, provided they are not candidates for re-election; in that case they retire from the committee pending the election.

Congressional and Senatorial Campaign Committees.

Upon the opening of the presidential campaign, these con-

[1] In 1922 there were seven vice-chairmen, a men's executive committee of six members, a women's executive committee of five members, and a publicity committee.

[2] The Republican senatorial committee in 1922 consisted of seven senators appointed by the majority leader (Senator Lodge). The Democratic senatorial committee consisted of six senators chosen by party caucus.

gressional and senatorial committees place all their resources at the disposal of the national committee and become its close ally, foregoing much of their own initiative even in what concerns the election of senators and representatives. This is due to the fact that in "presidential years" practically all elections follow the fortunes of the contest for the presidency. But in "off years" these committees are much more conspicuous, and have entire charge of the congressional campaign, relying, of course, upon the co-operation of state and local committees. They distribute political literature, maintain bureaus of speakers, raise and distribute money in considerable sums, giving special attention to doubtful states or districts. They often intervene to smooth out local differences. In the interval between elections, they keep in more or less close touch with the district and central committees in the different states, endeavoring in every way possible to strengthen the party organization.

Relations with the National Committee.

The foregoing series of committees constitute what is called the *national* party organization or machinery, because their field of action extends over the entire country. Below the national party organization and working in harmony with it are numerous committees, constituting the state party machinery, which confine their activities to a single state or to some subdivision of a state. Whereas the work of the national organization is largely of a temporary nature, restricted to years in which presidential or congressional elections occur, that of the state party organization continues from year to year, so that, by way of contrast, the latter may be called the permanent and normal party machinery.

State Party Machinery.

A thorough knowledge of the make-up and operation of the state and local committees, about to be described, is essential to a thorough understanding of much that happens in the political sphere in which the average citizen lives and moves and has his being. For, although these different party committees were originally created merely to conduct a campaign after nominations had been made by the rank and file, they have, for many years past in some parts of

Its Importance.

the country, exercised great, often a controlling, influence in determining who should be the party nominees, through their manipulation of caucuses, primaries, and conventions. Indeed, in some states and in some of our larger cities, party committees have come to constitute a political "machine"; and where this has been the case year after year the terms party machinery and political "machine" are for all practical purposes synonymous.[1]

At the head of the party system in the states stands the state committee, often called the state central committee. Its composition and powers vary greatly from state to state. The committee is usually made up of representatives from each congressional district in the state, or from the counties, although sometimes senatorial or legislative districts are the units of representation. The number of members from each unit also varies, and consequently there is no uniformity in the size of the central committee, some having more than a hundred members. Geographical rather than numerical considerations usually determine the number from each unit.[2]

The methods by which state central committeemen are chosen also vary considerably, and are now regulated by law in most states.[3] In about twenty states, members of the state central committee are elected by state, congressional district, or county, conventions; or else are appointed by the congressional district or the county committees. In about a dozen other states,[4] state committeemen are elected by the party voters in a direct primary. In three other states,[5] the state committee is wholly an ex-officio body, consisting of the chairmen of either the congressional district committees or the county committees of the state. In Minnesota a still different method prevails. There the nom-

[1] For the distinction between party machinery and political "machine," see Chapter XVI.

[2] See C. E. Merriam, "State Central Committees," *Pol. Sci. Quar.*, XIX, 224 (1904).

[3] For a tabulation of these laws, see *Annals*, CVI, 222–232 (1923).

[4] Florida, Illinois, Louisiana, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, South Dakota, Tennessee, and West Virginia.

[5] Indiana, Kansas, and New Hampshire.

inees for state offices, senators and representatives in Congress, and the hold-over state and United States senators of each party elect a state central committee and determine its size; and also elect a congressional committee for each congressional district and determine its size.[1]

The officers of the state central committee consist of a chairman, a secretary—generally the most important officer—a treasurer, and sometimes a vice-chairman and a sergeant-at-arms. These officers are usually elected by the committee itself. They need not be, and frequently are not, members of the committee. The chairman of the state committee is the nominal head of the party organization in the state. He may or may not be a dominant leader in the party. "Often he is merely a figurehead who obeys the orders of leaders, bosses, or powerful private persons who dictate party policies and use him as a screen." Sometimes the state chairman is a United States senator or a high state official.[2] In most states there are subcommittees, of which the most important is the executive or campaign committee, consisting of from three to nine members. This committee is the most active part of the state party organization. Frequently there is also maintained a speakers' bureau or a literature bureau, or both.

The State Chairman.

The powers or duties of the state committee are seldom defined either in writing or by tradition. Where the state convention exists, the committee usually determines the time and place of holding the convention, fixes the ratio of representation therein, except where that is regulated by state law, issues the call for the convention, and sometimes makes up the temporary roll. In not a few states the committee has come to represent a more or less powerful faction or personal following which exerts year after year a decisive influence in the choice of dele-

Influence of State Committee on Nominations.

[1] *General Election Laws of Minnesota*, Section 537. The term of members of state central committee in the several states varies from one to four years. Vacancies which arise are generally filled by the remaining members of the committee or by the committee of the district or county concerned.

[2] Beard, 657.

gates to the convention, in shaping the work of the convention, and even in determining what persons shall or shall not be placed in nomination by the convention. "To the ambitious aspirant for party authority the state central committee is a point of great strategic importance, and many a bitter fight has been waged for its control."

Upon the adjournment of the national or state convention, or after the direct primaries, the state committee assumes charge of the campaign and exercises general supervision over it. In fact, the most important, at least the most conspicuous, duties of this committee centre in the conduct of the campaign. "Given the candidates and the platform, it is the function of the state committee to see that these particular persons and principles are indorsed by the voters of the state, or at least that the full party strength is polled for them." It raises funds and distributes them at its discretion. It prepares and sends out literature and assigns speakers to different places. In the presidential campaign it constantly co-operates with the national committee. It must also keep in constant touch with the county and local committees, and in some cases it exercises great authority over them.

Campaign Activities.

In addition to the committees already described, every national or state campaign brings into active operation a host of *local committees* concerned with the campaign in smaller areas. In practically every congressional, senatorial, or assembly district there is a congressional, senatorial, or assembly district committee; in every county, a county committee; in every township or borough, a township or borough committee; in every large city, a city committee; while every ward or voting precinct has its committee or committee-man. All of these committees co-operate with the national organization and with the state committees, obeying their instructions and looking after a multitude of details. They are expected, for example, to raise money for use in their own districts, to employ speakers whenever possible, to distribute literature furnished by the national or state committee, call primaries, conventions, and meetings of local party workers, to

Local Committees.

organize and direct "rallies" and demonstrations, to instruct the voters about the formalities connected with registration, the location of voting-places, and the form of the ballot. They look after the naturalization of aliens and appoint party watchers to serve at the polls on election days. Above all, as the day of election approaches, they are expected to arrange for a thorough canvass of the voters to ascertain if possible the number that can be relied upon to support the ticket, those who are wavering, and those whose politics are unknown.

The canvasses just alluded to are, in many places, conducted with the utmost thoroughness. Ordinarily there are two such canvasses: one occurs in September, and the last is completed about two weeks before the election and furnishes the hints for the disposition of party resources at the last hour. In doubtful or close states there are frequently three canvasses, at ninety, sixty, and thirty days, respectively, before election. During these canvasses special party workers scour the country, taking down a quantity of details about the doubtful or wavering voters, usually quite unknown to them. For example, the voter's race, religion, business, circle of acquaintances, his pecuniary position, names of persons to whom he owes money or to whom he is under any kind of obligation are all carefully noted. The local committees, under whose direction much of this canvassing is conducted, report at frequent intervals to the state committee, which in turn reports to the national chairman, and in that way the national chairman and his staff are kept constantly in touch with the conditions all over the country as they vary from week to week.[1]

The methods by which these various local committees are constituted and the rules by which they are governed vary so greatly from state to state, and often in different parts of the same state, that it is unsafe to attempt to formulate any general rule.[2] Each student and voter should diligently inform himself regarding the constitution and functions of these smaller

[1] Ostrogorski, II, 306. For a set of instructions issued by a state committee to the party workers throughout the state, see Woodburn (1914), p. 313.

[2] For a tabulated summary of the state laws regulating the composition and organization of these committees, see *Annals*, CVI, 222–242 (1923).

committees in his own state. Correspondence with party officials will generally produce the information desired which often cannot be obtained from printed sources. In large cities like New York and Philadelphia, each party has a more or less detailed body of printed rules, copies of which can generally be obtained of the secretary or chairman for the asking.

A Study of Local Committees of Prime Importance.

This elaborate and nation-wide party organization has been likened to a great army in which the national chairman corresponds to the commander-in-chief; and the national committee, the congressional campaign committee, the state committee, the county and district committees, and the township committees roughly correspond to the commanders of corps, divisions, brigades, regiments, and companies. Below this great body of party officials, estimated at more than 50,000, is *the vast army of privates*, numbering well over a million.[1] These are *the active party workers* representing the party organization in the precinct, ward, or election district, whatever the lowest political subdivision in the state may happen to be—the unit where the polling-place is located. Here it is that the party workers come into immediate contact with the voters; here it is also that public opinion may be organized to bring pressure to bear upon the party machinery. It is of fundamental importance, therefore, that the party should have in each precinct, ward, or election district, as the case may be, at least one loyal and tried worker,[2] personally acquainted with a large number of the voters and trained in the art or science of winning votes. If this party worker, in the lowest political subdivision, represents the interests and aspirations of the party voters in his district, we have a truly representative party organization. Too often, however, these workers are in the pay of party officials higher up, and seek to carry out their orders regardless of public opinion and the public interest.[3]

Party Organization Like an Army.

[1] Ostrogorski's *Democracy and the Party System*, 164.

[2] Often called, in great cities, the district captain. See F. R. Kent, *The Great Game of Politics*, Chs. I, II, VI (1923).

[3] Beard, 665.

In this connection brief mention should be made of a new practice introduced in the presidential campaign of 1900 by the chairman of the Democratic national committee. This innovation was the selection of a special representative of the national committee in every election precinct in the country. So comprehensive an organization could not be completed during a single campaign, but in the doubtful states in 1900 there were over 30,000 such official representatives of the national committee. It was found that they could deliver campaign documents and make canvasses of voters more effectively than the county and local committees. In 1918 the number of such precinct representatives of the national organization numbered over 47,000 in the Central and Western states alone, the number in individual states ranging all the way from a little under 400 to more than 8,000.[1] The supervision and organization of such a vast body of workers, of course, imposes a heavy additional burden upon the national chairman; but when effectively done it is a very important step toward perfecting the national organization.[2]

Democratic Innovation in 1900.

The efficiency of all this party machinery varies greatly. Political conditions in a doubtful state, like Indiana or New York, tend to the most complete development of the party "machine," and to keep it always in good working order. Sometimes, however, where one party is overwhelmingly in control of the state or municipality, as in Pennsylvania and New York City, other causes serve to maintain year after year a party organization which is at once the admiration and despair of its opponents, especially the reformers.

The most striking development in connection with state and national party machinery in recent years has been due to the spread of woman suffrage. The great increase in the number of women voters has led to a noteworthy expansion of party organization, especially in the state and local field. Indeed, this expansion began to appear in woman-suffrage states

Woman Suffrage and Party Organization Before 1920.

[1] Democratic national convention of 1920, *Official Report*, 476–477.
[2] W. J. Abbott, *Rev. of Rev.*, XXII, 556 (1900).

even before the ratification of the Nineteenth Amendment in 1920.

In Illinois, for example, the Republican women voters in Cook County were organized, long before 1920, under the name of the Illinois Republican League. The governing body of the league consisted of 150 delegates, representing all the wards in Chicago and the six "country" districts in the county outside the city. The Democratic party had a similar organization, called the Illinois Women's Democratic League, based upon ward organizations called "branches." In the Chicago wards and precincts, wherever there were men's organizations, women's clubs were maintained, frequently called the "women's auxiliary." They were modelled upon, and generally worked in close co-operation with, the men's organizations. They appointed precinct captains after the manner of the men, held joint meetings with the men, assisted in enrolling voters and in conducting house-to-house canvasses, and looked after the appointment of women watchers and workers at the polls on primary and election days. Occasionally this co-operation between the two sets of organizations was conspicuously absent, the women showing a disposition to organize and act quite independently. Of course this tended to complicate the political situation, but at times produced good results, as in the case of the seventh ward women's Republican organization in the aldermanic election of 1914.

Seventh Ward Women's Republican Organization in Chicago.

These public-spirited women started with the organization of a women's committee of some thirty-odd members, representing all the different groups of the seventh-ward women. "On this committee were to be found ministers' wives, presidents of social clubs, civic club presidents, heads of card clubs, etc. This women's organization decided not to wait for the regular Republican nomination for alderman, but to forestall the old Republican machine by offering it their candidate before any other selection had been made. The women's choice fell upon one of the leading business men of the community, who had never mixed in politics before, but who had a very good business and personal reputation. In this first step the women were to meet

with disappointment. The machine rejected their man as a 'hand-picked' candidate. However, the women were not to be discouraged . . . and put their man into the field as an independent candidate. . . . The women soon learned that the most effective method of winning votes for their candidate were those employed by the old party machines. They did not hesitate to adopt all of these that were legitimate. They formed a flying squadron in groups of two, for making house-to-house canvasses. They sent out a circular letter signed by several of the responsible women of the ward, calling attention to some of the needed reforms and setting forth the merits of their candidate. Pledge-blanks promising support to their men were presented to every woman and most of the men of their ward for signing. Afternoon teas and parlor entertainments were staged for the women, at which functions one of their able speakers always presented the merits of their candidate. A card catalogue was made of all the voters, men and women, who had pledged their support to the independent candidate, and a large number of automobiles were enlisted on election day to get these voters to the polls. The result at the polls told the story. The women elected their candidate for alderman by a substantial plurality over the regular Republican and Democratic nominees. This taught the men a lesson. So effective was this club's machinery and so thoroughgoing its methods that the old Republican machine of the ward . . . decided to welcome this women's organization into its fold and to indorse its candidate" for re-election in 1916, when he was again nominated and elected.[1]

Since woman suffrage became national, this movement has gone on apace all over the country. Earlier in this chapter mention was made of the addition of women members to the Democratic national committee, of women members to both the Democratic and Republican national executive committees in the campaign of 1920, and to the Republican national committee in 1924.

Since the Nineteenth Amendment.

[1] C. M. Yount, *Party Organization in Chicago* (1916). (An unpublished master's thesis.)

Similar recognition has also been accorded women voters in the make-up of state and local committees, although the extent to which this has taken place is much greater in some states than in others. In some places men and women members are found on the same party committees on an equal footing. In other places there is a more or less complete duplication of the men's committees by independent, though co-operating, women's committees. As women become more experienced in political work, we are likely to see them sharing equally in the decisions and activities of all the committees which constitute the state party machinery.[1]

Party committees, like other committees, are subordinate bodies and should be the servants, not the masters, of those who created them. They should, in a very positive sense, represent the body of voters from whom they derive their authority; and there should be some means by which they may be held accountable for the satisfactory performance of their duties. In practice, however, it has too often come to be the case that party committees are irresponsible bodies, representing the worst and most unscrupulous elements of a party instead of its best and most trusted elements. The secrecy and the irresponsibility that surround the activities of most political committees form a very objectionable feature of their work, since therein lurk the various kinds of political corruption which have become so notorious.[2] In New York City "about 1,200 men in each of the two parties manage the politics of 6,000,000 people. . . . They constitute a close corporation into which it is about as difficult to get as to get a seat in the stock exchange, and the men who know how to use the power they have in contracts, make it almost as lucrative. The overwhelming majority are honest and make nothing. These 2,400 men are pulling close together, and between them they decide once in four years

In Theory, Committees Are Servants of the Party, but in Practice Irresponsible Masters.

[1] For an account of recent activities of Republican women voters, especially in the organization of clubs, see M. Shuler, "Where Are the Women Voters?" *Rev. of Rev.*, LXIX, 419–422 (1924).

[2] Herbert Welsh, *Forum*, XIV, 26 (1892).

whom 6,000,000 people with 700,000 voters who vote shall name in order to nominate presidential candidates for them in the national convention. . . ." [1]

A certain degree of responsibility and popular control has been introduced by many of the laws which require publicity of campaign expenditures by political committees, and also by means of the direct primary. In states where provision is made for the election of party committees by a direct vote of the party membership, an opportunity, at least, is given the better element to gain control of the party machinery, though it may be doubted whether very much permanent improvement has yet been achieved in this manner. The suggestion of Governor Hughes, of New York, already explained,[2] would tend to secure open and official responsibility for nominations on the part of those in control of the party organization; and, for that very reason, the plan was vigorously and successfully opposed by the machine politicians.

Socialist Organization.

The organization of the Socialist party differs from that of the major parties in a number of important respects. First of all, the nucleus of the organization at the present time (1924) consists of about 18,000 "enrolled" members who have indorsed in writing the constitution and platform of the party and pay regular annual dues of three dollars in monthly instalments. After the manner of trade-unions, each enrolled member is given a membership card to which monthly dues stamps are attached when dues are paid. It is claimed that the dues system is "a most simple and effective method of financing the organization, and reduces the labor of accounting to a minimum. The dues system also makes the mass membership responsible for the party's financing and prevents individual members from desiring, or assuming a right to, special privileges on the strength of being necessary to the party because of their ability to 'foot the bills'—a condition recognized as a part of the 'practical politics' of all other political organizations."

[1] T. Williams, *Independent*, CII, 358 (1920).
[2] See Chapter VI.

Only enrolled or dues-paying members have a voice in selecting party candidates, shaping the party platform, or determining other matters of party policy.[1] They are organized in "locals," several of which may be found in a single large city, while smaller places may have only one. The members of these locals elect the members of the various state committees and delegates to the national conventions. Formerly the party also had a national committee, but recently an annual meeting or convention has been substituted. There is, however, a national executive committee of seven members, elected at the annual conventions.

These national conventions consist of delegates chosen by referendum vote of the members of the various locals scattered all over the country, the elections being supervised by the state organizations. Delegates are required to be resident members of the state from which they present credentials, and must have been members of the Socialist party for at least three years. In presidential election years the national convention functions in much the same manner as in the case of the major parties.[2] The Socialist convention, however, is a much more wieldy body, being restricted to 200 delegates, apportioned among the several states in accordance with the following rule: "One from each state, and the remainder in proportion to the average national dues paid by the organization of such states during the preceding year." The constitution of the party further provides that "railroad fare, including sleeping-car fare of delegates to and from conventions, and a per diem of five dollars to cover expenses, shall be paid from the national treasury from a special convention fund to be created by setting aside three cents for each dues stamp sold by the National Office." In non-presidential election years the annual conventions are more in the nature of party confer-

Socialist National Conventions.

[1] Long before woman suffrage became an accomplished fact for the entire country, the Socialist party admitted women to membership and to the various party committees on a footing of equality with men.

[2] See R. F. Hoxie, "The Convention of the Socialist Party" (1908), *Jour. Pol. Econ.*, XVI, 442 (1908); "The Socialist Party and American Convention Methods," *ibid.*, XX, 738 (1912).

ences, and are somewhat differently constituted. Each organized state having a membership of 1,000 or less is entitled to one delegate, and to an additional delegate for every additional thousand members, or major fraction thereof, "based upon the sale of stamps during the year preceding the national convention." The action of these conventions is rarely final, for all important party policies are referred to the enrolled members; even the platform is subject to a referendum for final decision.

The chief executive of the party is the national executive secretary, who is elected by the entire enrolled membership of the party, and has permanent headquarters or offices in Chicago.[1] The national organization maintains paid organizers in the field who are at work the year round organizing new locals, speaking, agitating, selling and distributing literature. Besides the natonal organizers, there are state, county, and local organizers scattered all over the country, most of whom receive no compensation.[2]

QUESTIONS AND TOPICS

1. How are the national committees of the Prohibitionist and Socialist parties constituted?

2. The political influence wielded by Senator Hanna as chairman of the Republican national committee and by Senator Gorman

[1] The national office is located at 2653 Washington Boulevard, Chicago.

[2] It has frequently been stated that the Socialist party has a rule which requires every candidate nominated for public office to sign a blank resignation which the party officials may use as a means of removing from office a successful candidate who fails to adhere to the platform, constitution, or mandates of the party. Much was made of this alleged rule in the trial of the Socialist assemblymen in the New York legislature a few years ago. To an inquiry concerning the existence of the blank-resignation rule at the present time, the assistant national executive secretary of the Socialist party replied, November 21, 1923, as follows:

". . . This rule was never incorporated in the National Constitution of the Socialist party, and, so far as the national organization is concerned, was never a requirement in campaigns; nor was it a general requirement of state and city organizations, although in former years, in the earlier history of the Socialist party, it is quite true that the practice was in vogue. It gradually fell into disuse, and, so far as we know, really is not in force anywhere at this time, although we cannot state this positively."

as chairman of the Democratic national committee. (See Ogden, Croly.)

3. Frank H. Hitchcock as chairman of the Republican national committee in 1908.

4. Thurlow Weed as a campaign manager. (See Weed's *Autobiography*.)

5. A description of the Republican and Democratic organization in (*a*) a typical Republican state, *e. g.*, Pennsylvania; in (*b*) a typical Democratic state, *e. g.*, Virginia; and in (*c*) a typical doubtful state, *e. g.*, Indiana or New York.

6. How are the state central committees in your own state constituted? How are vacancies filled? What powers do these committees exercise?

7. How are the state committees chosen in states where the convention system has been abolished?

8. How are the various party committees below the state central committee constituted in your own state?

9. The composition of and the work done by the Democratic and Republican committees in large cities, like Boston, New York, Philadelphia, Baltimore, New Orleans, Chicago, and San Francisco.

10. What are the qualifications and duties of an election district captain in our large cities? (See Beard, 665 ff.)

11. Under what circumstances have national committees assumed the right to expel members of the committee? (See Woodburn.)

12. Party organization before the Revolution—the committees of correspondence.

13. Party organization in New England in the Jeffersonian period. (See Robinson.)

14. The prominent part taken by the Republican national committee in connection with the national convention of 1912.

15. The debate in the Democratic national convention of 1912 over the federation of Democratic precinct clubs. (See *Official Proceedings*, pp. 461 ff.)

16. The methods of procedure in the Socialist national conventions. (See Hoxie.)

17. The debates in the Democratic national committee in 1919 and in the national convention in 1920 over the admission of women as members and as delegates, respectively.

18. Prepare a report on the growth and activities of political organizations among women voters.

19. What activities were carried on by the Democratic and Republican national committees between 1916 and 1920 and between 1920 and 1924?

CHAPTER X

CAMPAIGN METHODS

So far as any particular campaign is concerned, the elaborate party organization or machinery described in the preceding chapter exists for the purpose (1) of instructing the voters respecting the issues of the campaign, the principles and policies of the party, the merits of the candidates, and the misdeeds and weaknesses of opposing parties; (2) of arousing the enthusiasm of the rank and file of the party and quickening the loyalty of the wavering; (3) of attracting the increasingly large class of independent voters to the support of the party ticket; (4) of making thorough canvasses of the voters before the day of election in order to ascertain the drift of political sentiment; and (5) of seeing that the full party vote is polled and recorded on the day of election. In the attainment of these results the various campaign committees employ a great variety of means which, for convenience, may be considered in two main groups: those agencies or methods designed *primarily* to stir the emotions of the voters; and those agencies or methods which appeal more especially to their intelligence.

Purpose of Party Machinery.

Among methods coming in the first group are (1) *mass-meetings* of the voters, which are held by the thousand in every presidential campaign. These meetings are of all sorts and sizes, and are held in all kinds of places. They vary in size from a few score of persons on a street corner to thousands in a great auditorium or on a fair-ground. Similar meetings, though less frequent and as a rule less well attended, are also held in the "off years." Oftentimes state or county "rallies" are held. These are mass-meetings of voters from all over the state or county, held sometimes in a huge tent, at other times in some large park or at a state or county fair, and usually preceded by a big parade or followed by a torchlight procession in the evening.

Methods Which Appeal Primarily to *Emotions*.

In marked contrast with English campaign meetings,[1] American party mass-meetings and "rallies" are very orderly affairs, seldom attended by members of an opposing party; and the speakers are rarely interrupted or subjected to the "heckling" which is customary in similar gatherings in England. Although outsiders are always welcomed, if orderly, the main purpose of American political meetings is not so much to instruct and to convert those who attend as it is to strengthen the party members in the party creed and to arouse enthusiasm. These party gatherings are addressed by several speakers, some of whom are apt to be men of national reputation. The arrangements for such political revivals are always made by the state or local committees concerned. The speakers, or "spellbinders," at the larger assemblages are usually provided by the state committee or by the speakers' bureau of the national committee.

The work of the speakers' bureau in selecting, coaching, and assigning speakers is of very great importance in every national and in many state campaigns. In some campaigns as many as 5,000 persons have applied for positions as campaign speakers, although only a comparatively small number were finally employed. In the contest of 1900 the Republicans employed about 600 speakers. United States senators, congressmen, governors, ex-presidents, members of the cabinet, lawyers, journalists, business men who can talk well in public, sometimes clergymen, and the presidential and vice-presidential candidates themselves, are to be found in the list of speakers. They are sent from state to state and may or may not be paid for their services. Some have been paid as high as one hundred dollars a night and expenses. The most important speakers are assigned, paid, and have their itinerary planned by the speakers' bureau, while speakers of less note are selected, assigned, and perhaps paid by the state or

"Stump" Speakers, or "Spellbinders."

[1] On English campaign methods, see S. Brooks, "English and American Elections," *Harper's* CI, 329 (1900), *Fortnightly Rev.*, LXXXVII, 246 (1910); "Election Manners in England and America," *Harper's Weekly*, LIV, 13 (February 12, 1910); E. Colby, "An American Politician in an English Election," *Outlook*, XCIX, 319 (1911); E. Porritt, "Political Campaigning in England and America," *Atlantic Monthly*, CII, 156 (1908).

local committees. Those in charge of this part of a campaign must exercise great care and discrimination in making these assignments: funny men must not be sent to audiences requiring reasoners; and the foreign-born voters must be provided, if possible, with speakers who can address them in their own tongue. Fifty Germans, twenty-five Swedes, twenty-five Norwegians, ten Poles, ten Italians, five Frenchmen, and six Finns were employed as speakers by the Republicans in 1900. Use is also made of good workshop or factory talkers to address their fellow employees, and sometimes faked debates among wage-earners are gotten up.[1]

(2) Another common agency for rousing party enthusiasm is the formation of temporary associations of citizens who in ordinary times pay little or no attention to politics. These associations are known as *campaign clubs*. The members meet, perhaps every evening during the campaign, and listen to speeches which glorify their candidates. They sing political songs, absorb enthusiasm for the party ticket, and diffuse this enthusiasm around them in the club and outside. Generally these clubs are formed in each locality soon after the national convention has adjourned, and they are most active in September and October of presidential election years. In towns of considerable size one finds a large number of such clubs in each of the great parties; while in great cities political clubs frequently maintain a continuous existence from year to year. One is apt to find a Republican and a Democratic commercial travellers' club, a lawyers' club, a merchants' club, a railroad employees' club, working-men's clubs, (often one in each large factory), clubs of colored voters, and clubs composed solely of Irish, Jewish, Polish, French, German, or other foreign-born voters. Not infrequently these clubs have had a sort of military organization, the members wearing uniforms and calling themselves "marching clubs." This kind appeals with special force to the younger voters. In 1892 the Republicans began to organize clubs among students in the colleges and universities, and a federation of such clubs was formed the same year called the

Campaign Clubs.

[1] E. Lissner, *Harper's Weekly*, XLVIII, Pt. 2, p. 1315 (1904).

American Republican College League. Four years later the Democratic party instituted similar clubs.[1]

A serious effort was made by the Republican party, beginning in 1888, to weld all these temporary campaign clubs, into a permanent federation known as the Republican National League. This was soon followed by the organization of the National Association of Democratic Clubs. Although the total enrolment of these two leagues has at times been as high as two million, representing from two to four thousand different clubs, most of the clubs have, after the campaign, only a nominal existence. Hardly one club in a hundred has premises of its own; generally they hire a room for the occasion, and their meetings in non-presidential years are infrequent. During the campaign, however, they are very active. It has been estimated that between a million and a half and two million voters are then enrolled in one club or another, or, in other words, that about one in every four or five voters is identified with some political organization, temporary or permanent.[2]

(3) Other devices for arousing the interest and enthusiasm of the voters take the form of parades or torchlight processions, picnics or barbecues, accompanied by athletic contests; and even dances, theatrical performances, and moving-picture shows are employed. Political emblems, such as badges, banners, or flags bearing the names or likenesses of the leading candidates are also very common. Bets on the success of the party in the coming election are resorted to and widely advertised by political committees with the expectation of influencing certain classes of voters. National committees have been known to provide large sums for bets with a view to influencing doubtful states. "Charges" or "campaign lies," consisting of forged letters,[3] or more or less

Miscellaneous Devices.

[1] Ostrogorski, II, 290 ff. [2] *Ibid.*, 289.

[3] A notable instance of such a forgery in a presidential campaign was the Morey letter, used against General Garfield in 1880. The Murchison letter in 1888, while not a forgery, was obtained through trickery and used against President Cleveland. See E. B. Andrews, *The United States in Our Own Times* (1903), Ch. XII; E. Stanwood, *A History of the Presidency* (1906), I, 482–484.

libellous accusations brought against prominent candidates of the opposing party, appear in almost every campaign, national and state. Such personal attacks create something of a sensation for the moment, especially among the readers of the more unscrupulous newspapers, and have even been known seriously to affect elections. Campaign managers are also fond of putting forth extravagant "claims" or pre-election estimates respecting the probable size of the party majority. Some voters, especially those who desire above all things to be on the winning side, may be influenced by such predictions. Where these claims are based upon careful and exhaustive canvasses of the voters for a large area some reliance may be placed upon them; but ordinarily they are not to be taken seriously.[1] Where important economic issues have been prominent, employers have been known to attempt to influence the votes of their employees by placing slips inside of their pay envelopes urging them to support a certain party; or such efforts may take the form of threats, open or veiled, to reduce wages or to close the shops if the other party wins.

"Hoopla" and "Gum-Shoe" Campaigns.

Campaigns in which party managers resort to every available device to arouse the interest and enthusiasm of the voters are sometimes called "hoopla" or "hurrah" campaigns. There are campaigns, however, when it is deemed better policy to dispense with this noisy "Chinese business," as it has been called, and to pursue instead a "still-hunt," or "gum-shoe" campaign, in which the voters are reached and influenced by quiet personal interviews and a house-to-house canvass. A minority party will adopt these tactics occasionally in the hope of inducing in the managers of the other party a feeling of false security and overconfidence, owing to which they may neglect to see that the full party vote is registered and polled. Consequently, when the day of election arrives an unpleasant surprise may be in store for the usually victorious party.[2]

[1] Quite apart from any partisan motive or activity, several periodicals of wide circulation have conducted very extensive "straw votes" by mail in recent years, both in the preconvention campaign and shortly before the presidential election; notably the *Literary Digest*, in 1916, 1920, and 1924.

[2] Woodburn, 307, 308.

The agencies designed primarily to appeal to the reason and intelligence of the voters fall into two main classes—*campaign documents* and the *newspapers*. (1) *Campaign documents* assume a great variety of forms, and vary in size from a one-page dodger or small card to a volume of two or three hundred pages. Each party in a presidential campaign issues its *campaign text-book*—a volume filled with all kinds of political information likely to prove useful to campaign speakers and other prominent party workers. These text-books are not for general distribution, but copies may be obtained by any one for a small sum. In some of the large states a similar volume is compiled and published by the state committee for use in important state campaigns. Each presidential campaign also produces a crop of *campaign biographies* of the party candidates for president and vice-president, sold at popular prices. These biographies are prepared for partisan purposes and of course are not always accurate in their statements of fact regarding the public life of candidates. *Speeches* of representatives and senators in Congress are widely circulated during every presidential and congressional campaign.[1] *Posters*, especially pictorial ones, are peculiarly effective with voters who will not take the time, or have not the interest or ability, to read other campaign documents. In 1896 the Republicans circulated some 500 different kinds of posters.[2]

Methods Appealing to the *Intelligence*.

Oregon and about a dozen other states have in the recent past provided by law for the publication of an official "publicity pamphlet," in order to furnish the voters with authentic and reliable information concerning the merits of the different candidates for state and local offices, and the policies and principles for which they stand. In Oregon, before every *primary* election a "publicity pamphlet" is prepared, under the supervision of the secretary of state, in

Publicity Pamphlets.

[1] On the abuse of the franking privilege by members of Congress see A. T. Fuller, "The Franking Privilege," *Searchlight*, IV, 15 (May, 1919).

[2] *Radio broadcasting* of political speeches was employed for the first time in a presidential campaign in 1924.

which all candidates for nomination to state and federal offices may publish a statement of their qualifications and the principles or policies which they advocate or favor, or anything else in support of their candidacy. Each candidate is required to pay for at least one page in the publicity pamphlet. Additional pages may be had for one hundred dollars a page, but no candidate may use more than four pages in all. At the same rates, space in the pamphlet may also be used *against* any candidate if this matter is first submitted to the candidate opposed and signed by the author, subject, of course, to the ordinary law of libel. One copy of this pamphlet is mailed by the secretary of state, at state expense, to every registered voter. Similar pamphlets relating to candidates for the county offices are issued by the county clerks and mailed to each voter in the county at the expense of the county. The pamphlets must be mailed at least eight days before the primary elections. The charges per page vary from ten dollars for candidates for the minor offices to one hundred dollars for candidates for the highest offices.[1]

Again, before the regular *election* party officers or the executive committee of a party may submit to the secretary of state portrait cuts of candidates and typewritten statements and arguments for the success of the party's principles and the election of its candidates; also statements opposing or attacking the principles or candidates of other parties. The same privilege is extended to all independent candidates. These statements are printed in another publicity pamphlet, which is mailed at public expense to the voters not later than the tenth day before the election. No party may use more than twenty-four pages in this pamphlet. The charge is fifty dollars per page. There is much in this new method to commend itself to the people of other states, both as a means of educating the voters and also as a means of placing the poor candidate on more nearly an equal footing with the rich candidate so far as concerns ability to bring his claims directly to the consideration of the people. The publicity pamphlet for candi-

[1] Jonathan Bourne, Jr., *Outlook*, XCVI, 321 ff. (1910).

dates is now used in only two other states, Florida and North Dakota.[1]

The total output of campaign documents in some presidential years is enormous. In the campaign of 1900, for example, the Democrats published 158 different documents and distributed over 25,000,000 copies, and the Republican party probably surpassed this record. In that year 8,000,000 copies of one of Mr. Bryan's speeches were printed in eleven different languages, and 7,000,000 copies of Mr. McKinley's letter of acceptance were distributed. In one day four and a half million copies of a single speech were sent out from the Republican headquarters in Chicago, and over three tons of other documents were shipped on the same day. These documents are usually sent out by the press bureau of the national committee to the state committees, and distributed by them to the subordinate committees.[2]

(2) Extensive use has been made in recent years of *newspapers*, especially newspapers circulating in small towns and rural districts. Press bureaus at state and national headquarters prepare copy for these newspapers in the form of telegraphic despatches, editorials, correspondence, etc., and often buy space for political advertisements. Thousands of country newspapers are supplied, free of charge, with patent "insides," or "plate" matter, relating to campaign issues or the candidates. Such newspapers will be furnished with a political sheet to be inserted in each copy issued; in other cases, only the heading and local items will be set up in the local printing-office, the balance of the issue being prepared and printed at some distant establishment under the direction of a political press bureau. "Plate" or stereotyped matter is furnished by the column to papers of larger circulation and influence. Some papers which desire to assume an "independent" attitude in the campaign have a department in their columns

Newspapers.

[1] It has been suggested that Congress should authorize the publication by the national government of a national publicity periodical or bulletin, in which all parties should be allowed to use an equal, though limited, amount of space for the discussion of party issues and the claims of candidates.

[2] *Review of Reviews*, XXII, 529 (1900).

called the "campaign forum," or "daily debate," in which appears matter furnished by both leading parties. In the campaign of 1916 both major parties made an unprecedentedly extensive use of advertisements in newspapers and periodicals in appealing to voters.[1]

Practical Value of These Devices.

Regarding the practical value of all these different devices, one who has been prominent in the conduct of a national campaign says: "After all, I doubt much whether even the hard work, the systematic work, the astute political devices upon which the politicians so greatly rely, really have as much weight in deciding the fate of an election as people who live entirely in a political atmosphere sometimes think. The success or failure of a candidate for office, and particularly for an exalted national office, depends very much upon conditions similar to those which determine the success or failure of a book. Many a good book well pushed by its publishers has fallen flat. . . . It is somewhat so with a presidential election. Admitting all the use of money properly and corruptly; admitting that this campaign manager is cleverer than his opponent, still you will find that rising above either of these factors comes, as the determining element in the situation, the temper of the public. Doubtless the newspapers, the documents, and the speakers help, in some slight degree, to form this public sentiment; but if it be against one candidate, the most herculean efforts on the part of his managers cannot stem it. If it be for him, all his associates have to do is to guide it rightly and see that its expression at the polls is correctly recorded." [2]

QUESTIONS AND TOPICS

1. The present-day value of political editorials in England and the United States. (See Porritt, and Ch. IX in Weyl's *The New Democracy*.)

2. The influence of the political press in the Jacksonian period. (See *Niles' Register*, biographies, and general histories.)

[1] See T. H. Price and R. Spillane, *World's Work*, XXXII, 667 (1916).
[2] W. J. Abbott, *Rev. of Rev.*, XXII, 562 (1900).

3. The methods used in the presidential campaign of 1840 and contemporary opinion of them.

4. Compare English and American campaign methods. (See Brooks, Colby, Porritt.)

5. The novel political exhibitions or "rival political shows" used in the New York municipal campaign of 1909. (See *Outlook*.)

6. The effect of presidential campaigns upon business. (See R. W. Babson, *Business Barometers*, condensed in Philadelphia *Public Ledger*, February 4, 1912.)

7. The Morey letter in the campaign of 1880 and the Murchison letter in the campaign of 1888.

8. The abuse of the congressional franking privilege in connection with political campaigns. (See Fuller.)

9. The press as a factor in a particular campaign, national, state, or local.

10. The organization and methods of the National Security League in the congressional campaign of 1918.

11. The use of radio broadcasting in the presidential campaign of 1924.

CHAPTER XI

PARTY FINANCE. REVENUES. LEGITIMATE AND ILLEGITIMATE EXPENDITURES. CORRUPT PRACTICES ACTS

THE employment of the various agencies or methods described in the preceding chapters involves the collection and expenditure of large sums of money. Indeed, the first work of campaign organization is to raise money, or a "campaign fund," as it is called. The amount of money spent by the great political parties in a presidential campaign has increased to enormous proportions in recent years. In the Buchanan campaign of 1856 the total sum at the command of the Democratic national committee was less than $250,000, while the amount expended by the Republican national committee in the Lincoln campaign of 1860 was only a little over $100,000.[1] After the Civil War the amount expended in a national campaign steadily rose until in the campaign of 1896 it was widely believed that the Republicans alone had a fund of $7,000,000.[2] Other estimates placed the Republican fund as high as $12,000,000. Both of these sums, however, are probably greatly in excess of the actual amount. Mr. Herbert Croly, in his biography of Mr. Hanna, the Republican national chairman, states that the audited accounts of the Republican national committee exhibited collections of a little less than $3,500,000, and that some of this was not spent; so that the committee had a handsome surplus at the end of the campaign.[3] In the four succeeding campaigns, both the Democratic and Republican expenditures were much smaller. In 1904 the Republican fund amounted to about $1,900,000, and the Democratic fund to approximately $700,000.[4]

Increased Size of Campaign Funds.

[1] P. Belmont, *No. Am. Rev.*, CLXXX, 166 (1905).
[2] R. Ogden, *Atlantic Monthly*, LXXXIX, 76 (1902).
[3] H. Croly, *Marcus Alonzo Hanna*, 218–220 (1916).
[4] Testimony by the Republican and Democratic national chairmen before a Senate committee in 1912.

Our knowledge of the size of national party expenditures prior to 1908, however, is almost wholly a matter of estimate or conjecture, for no official records were kept, or at any rate published. But, beginning with the campaign of 1908, we have something more substantial, for in that year both major parties voluntarily published the amount of their contributions and expenditures; and since 1910 such publicity has been required by national law. From these official statements it appears that in 1908 the Democratic national committee expended about $620,000, and the Republican committee, $1,655,518; in 1912 the Democrats spent over $1,300,000, the Republicans, $1,070,000, and the Progressives, over $670,000; in 1916 Democratic disbursements amounted to $1,958,508, and those of the Republicans came to $3,829,260; while in 1920 the Democratic national committee spent $1,318,274, and the Republican, $5,319,729.[1]

Since 1908.

These last mentioned sums, however, by no means represent the entire outlay in connection with the presidential campaign of 1920; they are merely the amounts expended by each *national* committee. In addition to those sums, the Republican congressional committee spent $375,969, and the Democratic congressional committee, $24,498; the Republican senatorial committee expended $326,980, and the corresponding Democratic committee, $6,675. Besides these amounts spent by the national party organizations, large sums were raised and expended by state committees throughout the country. The aggregate receipts of those committees, exclusive of funds received from the respective national organizations, was well over $2,000,000 in the case of the Republican party, and in the case of the Democrats, approximately $900,000.[2] Assuming that these state funds were all used up, the aggregate expenditures by the regular party organizations in connection with the presidential campaign of

[1] Both national committees reported a deficit at the end of the campaign of 1920. The Republican deficit amounted to $1,845,000.

[2] *Senate Report*, No. 823, 66th Congress, 3d session (1921), in *Hearing . . . Pursuant to Senate Resolution 357*, II, 2943. Part of these state funds were of course expended in connection with the election of state and local officers in the same election.

1920 amounted to $8,100,739 for the Republicans, and $2,237,770 for the Democrats; or a grand total of $10,338,509.

But even this startling total by no means represents all the money expended in connection with that campaign; for it merely includes the amount spent after the adjournment of the national conventions, and does not take into account the sums spent in the preconvention campaign when expenditures of various aspirants for the presidential nomination, or their friends, surpassed all known records: Democratic aspirants spent the comparatively modest sum of $122,000; among the Republicans, where the competition was far more spirited, the outlay totalled $2,250,000.[1]

Raising the National Campaign Fund.

The task of collecting money to meet the expenses of the national organization in a presidential campaign falls principally upon the treasurer of the national committee or upon the director of finance, with whom is commonly associated a finance committee or a committee on ways and means. To facilitate the work of collecting funds in 1908, the Republicans organized finance committees in all the Northern states; while the Democrats placed much reliance upon the assistance of about a hundred leading Democratic newspapers. In the campaign of 1916 again appeared a desire to democratize the source of campaign funds, by obtaining small amounts from many, rather than large amounts from a few, donors. The Democrats, for example, tried to appoint finance committees in every town of more than 500 inhabitants,[2] hoping thereby to induce every Democrat to give something toward the cost

In 1916.

[1] In 1920 both preconvention and later campaign expenditures were subjected to a searching investigation by the Kenyon committee, a subcommittee of the Senate committee on privileges and elections. A large amount of testimony was taken which throws much light upon the collection and expenditure of national campaign funds. The testimony of the various party officials connected with the national organization is especially illuminating. See *Hearing . . . Pursuant to Senate Resolution 357*, 66th Congress, 2d session (1920), 2 vols. (1921). The report of the subcommittee may be found in vol. II, 2941–2952.

[2] About 8,000 such local committees were organized, with a total membership of about 65,000.

of the campaign, and thus come to feel a sort of proprietary interest in the success of the party.[1] An engrossed receipt was sent to every giver, as had previously been done by the National Progressives. The Republicans, the same year, sought to obtain money through appeals inserted as advertisements in newspapers and magazines; and also by circular letters, appealing for contributions of ten dollars from each Republican voter. Those who responded were designated as "contributing members" of the party, and received an engraved certificate.[2]

In 1920: Democratic Methods.

In 1920 the main features of the Democratic financial campaign were, first, to obtain as large a list as possible of names of Democrats all over the country, together with an estimate of their financial standing and probable income; and then, upon the basis of that information, make a direct appeal, or series of appeals, by letter for a contribution. The names of upward of half a million Democratic voters were thus card-indexed at the national headquarters, and solicited for donations.[3]

Republican Methods.

The Republican financial "drive" of 1920 was based upon a much more elaborate and carefully worked out scheme.[4] Greater efforts than in any previous campaign were made to popularize the giving of money for campaign purposes by getting small contributions from a great many men and women rather than large contributions from a small number. This was designed not only to awaken a lively personal interest in the success of the party among the rank and file, but also to free, so far as possible, the party leaders from any undue sense of obligation to donors of large sums, who

[1] There were approximately 250,000 contributors. Estimate of W. D. Jamieson, director of finance in 1920. See *Hearing . . . Pursuant to Senate Resolution 357* (1920), I, 1568 ff.

[2] See T. H. Price and R. Spillane, *World's Work*, XXXII, 666 (1916).

[3] Specimens of such appeals are printed in *Hearing . . . Pursuant to Senate Resolution 357* (1920), I, 1572 ff. See also testimony of W. D. Jamieson, director of finance, and George White, national chairman; *ibid.*, I, 1334 ff., 1387 ff., and 1544 ff.

[4] See testimony of Will H. Hays, chairman, and F. W. Upham, treasurer, in *Hearing . . . Pursuant to Senate Resolution 357* (1920), I, 1080 ff., 1187 ff., 1337 ff.; II, 2125 ff.

might feel disposed to exact a *quid pro quo* in case the party was victorious.

In line with this purpose, a maximum limit of $1,000 was set to contributions for any one year from any individual, or $1,000 before the nominating convention and $1,000 after.[1] A national ways and means committee was first of all organized in 1919, and then an effort was made to create a state ways and means committee in each state, with a man as chairman and a woman as vice-chairman. In building up this organization during 1919 and 1920, the national ways and means committee employed the publicity and quota methods with which the public had become familiar in connection with Red Cross and Liberty Loan drives of the war period. As the state organizations were perfected, tentative quotas for a particular state were fixed by the national treasurer's office. In order to avoid a multiplicity of solicitations, arrangements were also made in many states whereby the national organization collected all the Republican contributions, and then remitted to the various state organizations their respective shares. Different arrangements were made with different states as to the division of funds between the state and the national committee, but usually about one-third went to the state committee. A similar arrangement was made with the congressional and senatorial committees.

Republican Budget.

During the early stages of the Republican search for funds, no effort was made to estimate closely the amount that would be needed to meet campaign expenses. But soon after the national convention had adjourned, a budget or estimate of the total amount that would

[1] Mr. Hays, the national chairman, testified that among more than 18,000 contributors to the Republican fund up to June 12, 1920, only nineteen persons gave more than $1,000 apiece. Of this number, one gave $9,000, and none of the others more than $5,000; the average was $2,769.23. These exceptions, he said, were due chiefly to the zeal of a few local canvassers, or to the fact that some donors had long been accustomed to give more than $1,000; and the number of such contributors did not exceed forty in a total of approximately 50,000. At the end of the campaign, however, the national committee had a deficit of upward of two million dollars, which was eventually wiped out by generous contributors, one of whom gave $75,000.

be required properly to finance the campaign was worked out as carefully as possible, and this amount was $3,079,037.20,[1] allocated as follows:

Speakers' bureau, including salaries and expenses incident to publicity connection, particular meetings, travelling, and other expenses of speakers	$255,100.00
Headquarters expense, including administration, typists, mailing department, telephone, telegraph, furniture and fixtures, supplies, postage, envelopes, travelling expenses	750,874.20
Rents, all headquarters	45,643.00
General publicity, including news service, service to Republican papers, pamphlets, booklets, textbooks, shipping expense, lithographs, campaign buttons, billboards, advertisements in magazines, etc.	1,346,500.00
General expenses, including all bureaus, such as bureaus of clubs, shipping departments and distribution, freight, express, etc., including treasurer's office in Chicago and salaries, all travelling and other expenses incident to raising of money; also including the same expenses for the Eastern treasurer's office, New York, and other general expense	680,920.00
Total	$3,079,037.20

Most of the facts set forth above, relating to the campaign of 1920, were brought to light by the Kenyon Senate committee, which held almost continuous sessions during a large part of that campaign. Impressed by the value of the work of that committee, the Senate, at the beginning of the campaign of 1924, authorized another committee,[2] working along similar lines, to obtain from every national party organization information showing (1) the amount of money which each na-

[1] This does not include collections made for the state committees by the national organization under the agreements mentioned above. See *Hearing . . . Pursuant to Senate Resolution 357* (1920), I, 1083.

[2] This committee consisted of Senators Borah (chairman), Caraway, Bayard, and Shipstead.

tional party organization had on hand July 1, 1924; (2) the system or plan for raising campaign funds; (3) the amounts which each party proposes to raise and expend; (4) the limit, if any, placed upon individual contributions; and (5) the names of contributors and the amount of each contribution, reports upon this last point to be filed with the committee every ten days beginning September 1.

Having seen something of the general plan of procedure in the collection of a national campaign fund,[1] we may proceed to examine a little more closely the various sources of party revenue, and then review the principal items of party expenditure and the various kinds of laws that have been passed to regulate the use of money in connection with political campaigns.

The principal *sources of party revenue* are: (1) Voluntary subscriptions by the rank and file of the party. The total amount of these subscriptions is much larger than is generally supposed. One little town in Indiana, for example, with a population of only 4,000, in 1888, when party enthusiasm ran high, raised in this way $1,200.[2] Indeed, such contributions are the main reliance of the national committee in presidental campaigns. Money comes from men in moderate circumstances as well as from rich men. One feature of the campaign of 1904 was the starting of a "one dollar" subscription list by President Roosevelt for the benefit of the Republican fund; and among the contributions to the Democratic fund in 1908 a surprising amount came in small sums, such as dollar bills, small checks, and money-orders, from private persons of moderate means.[3] On the other hand, instances have come to light in recent years of thousands of dollars subscribed by rich men with the expectation, if not the

The *Sources* of Campaign Funds.

[1] Not only do the national committees have their respective party funds, but probably every state, district, county, and city committee, especially in a presidential campaign, has something in the nature of a campaign chest, a part or all of which may have been advanced by some committee higher up. See W. Wellman, *Rev. of Rev.*, XXXVIII, 432 (1908).

[2] J. W. Jenks, *Century*, XLIV, 940 (1892).

[3] J. Daniels, *Rev. of Rev.*, XXXVIII, 423 (1908).

express promise, that they would be rewarded with appointment to high offices if the party won the election.[1]

(2) Of minor importance, though not to be overlooked, are *subsidies from party committees*. In presidential election years the national committee not infrequently advances thousands of dollars to state central committees to assist in the conduct of the campaign and in getting out the vote on election day in especially important or doubtful states. Similarly in state and local campaigns occurring in "off" years, the campaign expenses of county and local committees are defrayed, in whole or in part, by some committee higher up, usually by the state central committee.[2]

(3) Until restrictive laws were passed, beginning about 1907, large corporations often made generous contributions to party funds. Doubtless many such gifts were made with perfectly innocent and worthy motives, but numerous instances have come to light where such donations were made with the express or implied understanding that legislation favorable to the contributing corporation would be enacted; or, at all events, that corporate interests would be protected by the party managers from unfavorable legislation.[3]

(4) There are known instances when the agents of the party in office have secretly appropriated public funds of the city, county, or state to campaign purposes for the advantage of their own party. This practice is, of course, illegal, and when exposed usually meets condign punishment.

(5) Before popular election of United States senators be-

[1] For a list of the principal contributors to the Democratic campaign fund in 1912, and the government positions to which they were appointed, see the Philadelphia *Public Ledger*, March 28, 1915. It is not to be inferred, however, that this practice of rewarding campaign contributors with important appointments at home and abroad has been confined to the Democratic party. See also R. C. Brooks, *Corruption in American Politics and Life* (1910), Ch. VI.

[2] See W. Wellman, *Rev. of Rev.*, XXXVIII, 432 (1908).

[3] The old point of view of such corporations was well brought out in Mr. Havemeyer's testimony in the investigation of the sugar trust, in 1893. See *Senate Reports*, 53d Congress, 2d session, X, 351 ff.; also quoted in Beard's *Readings*, 572 ff.

came established by law, candidates for the state legislature often found an important source of revenue for their personal campaign funds in the generous contributions of aspirants for election to the United States Senate. The recipient, if elected, was, of course, expected to vote for his benefactor.

(6) In large cities and in some states, especially where boss domination and machine rule are most securely intrenched, large sums are believed to come from persons desiring the party nomination for a particular office, the boss or machine awarding the nomination to the one willing to make the largest contribution to the campaign fund. In other words, there is virtually a sale of the nomination to the highest bidder.

(7) The contributions of *candidates* are another important source. These may be perfectly voluntary or they may be in the nature of assessments made by the party managers or committees in charge of the campaign. In the latter case, the contributions sometimes follow a regular scale, as a certain percentage of the salary attached to each office.[1] In some places a man is not allowed to become a candidate, his name is not even permitted to go before the party convention, until he pays an assessment to help defray the party expenses. This practice promotes the candidacy of rich men, for it is only they who can stand the assessments, while the community is deprived of the services of abler men of moderate means.

(8) Keepers of gambling-houses, saloons, disreputable resorts, and others who desire police protection in the violation of municipal ordinances and state laws, constitute in some parts of the country an important source of campaign funds, especially in municipal and state campaigns.

(9) Contractors hoping to obtain large contracts for state, county, or municipal work, by means of which large fortunes are sometimes made, often contribute generously to the party fund, hoping thereby to insure the election of friends who will be in a position to award them the contracts desired.

(10) A very important source of campaign funds takes the form of assessments levied upon the office-holders of the party.

[1] See Lalor, I, 152.

This practice has by no means been confined to state and local party organizations and office-holders, but was more or less openly employed by national party committees in presidential or congressional campaigns before 1883 to obtain contributions from federal office-holders. Even party leaders of national standing, one of whom afterward became president, did not hesitate to lend their assistance in the collection of such assessments.[1] The federal civil service act of 1883, however, largely put an end to the practice by prohibiting any federal officer or employee from soliciting or receiving, directly or indirectly, any political contribution or assessment from any federal officer or employee. Payment of any such contribution by one officer or employee to another is also prohibited, as is the solicitation or receiving of political contributions or assessments in any room or building used for official purposes by the federal government, or on any other federal premises.[2] Although prohibited and largely eradicated in the case of federal office-holders, the practice of levying political assessments upon state and local officials prevails to a greater or less extent in practically all states which have not adopted stringent civil service acts, and is probably seen at its worst in the large cities.

Assessment of Office-Holders.

Laws Prohibiting Assessments.

But even where state, county, and city employees are supposedly protected by civil service laws from political assessments, they are often obliged in various ways to contribute to campaign funds. For example, letters may be sent out from the party headquarters to all persons on the public pay-roll requesting them to make "voluntary" contributions toward the expenses of the campaign, by calling at headquarters and donating a certain "suggested" percentage of their respective salaries. Failure to comply with

Evasions of Laws Against Assessments.

[1] *E. g.*, James A. Garfield, while a member of the House of Representatives, and Senators Allison, Hale, and Aldrich. See E. E. Sparks, *National Development, 1877–1885* (1907), pp. 188–197.

[2] This is sometimes evaded by sending registered letters to government employees addressed to their place of residence.

such a request is always noted by those in control of the organization or machine, and an elective officer who fails properly to respond is apt to find himself without any organization support if he seeks a renomination at the end of his term; while an appointed employee who has the courage to refuse to contribute may be punished in a number of ways—by demotion or transfer to less desirable work, by failure to receive promotion, or even by being dropped from the pay-roll altogether upon one pretext or another. Under various other ingenious disguises, political assessments are frequently collected from civil service employees without violating the letter of the law. Banquets may be gotten up by the leaders of the local machine, for which all the principal office-holders are asked and expected to buy tickets at one hundred dollars, or some other extraordinary sum, per plate. Other less well-to-do public employees in Chicago not long ago found themselves obliged to pay ten dollars apiece for little books containing subscription coupons to *The Republican*, a weekly publication maintained by, and circulated in the interest of, the Thompson-Lundin machine. The employees of course had the privilege of reimbursing themselves in whole or in part by selling these coupons to their friends and acquaintances—if they could. At another time, city or county employees (and certain large business concerns also) were obliged to buy tickets for an annual or semi-annual "outing," "picnic," or "jubilee," gotten up by the local machine leaders as a further means of raising money and stimulating enthusiasm for the organization.

Just how much money is raised from year to year by these direct or indirect assessments is, of course, seldom, if ever, published to the world. That the amount must be very large in all our great cities it is not difficult to believe. A former director of the department of public works in Philadelphia, after a thorough investigation of the practice in that city, stated, in a report to Mayor Blankenburg in 1913, that the amount of Republican campaign funds raised by assessment of city and county employees had, in the ten years preceding, never fallen below $250,000, and in 1910 had reached almost $500,000; while for

the decade preceding, it amounted to a total of more than $3,000,000.[1]

Evils of Political Assessments.

Some of the more *conspicuous evils* connected with the practice of assessing office-holders for party purposes should be noted in this connection. Where the practice prevails, public office comes to be regarded as a party resource, a reward for party services, and not as a *public trust.* It promotes the candidacy of the venal and corrupt. "The corrupt politician who submits to the extortion of party assessments does so with the fixed purpose of recovering the money by corrupt means or using his place for corrupt ends after he is elected. This is a part of the calculation of the corrupt candidate. There will be city jobbery, connivance with criminals, treasury defalcations, fraudulent franchises, for in some way the heavy assessments must be recovered. . . . The system tends directly to political temptation and the ruin of character. The man who stays in politics and submits to these exactions suffers severely in moral tone, unless he is a notable exception to the rest of mankind. On the other hand, the public-spirited, the conscientious, the upright, who object to corrupt methods, cannot afford to stand for public office. No practice tends more directly toward the debasement of our political morals and degeneracy in the character of the public service." [2] The political assessment of office-holders who receive their salary from the public treasury is in effect making the public help pay the election expenses of the party in power, and this without the sanction of law. Some advanced political reformers have advocated that all legitimate expenses connected with a political campaign should be paid by the state, and there is much to be said in favor of the proposal. Until, however, this has been definitely sanctioned by law, party expenses should be paid exclusively from the party treasury and not directly or indirectly from the public treasury.

[1] M. L. Cooke, *The Political Assessment of Office-Holders* (pamphlet, 1913), a report on the system as practised by the Republican organization in the city of Philadelphia, 1883–1913, illustrated with reproductions of original documents. For further facts, see Philadelphia *Public Ledger*, October 31, 1911.

[2] Woodburn, 400–401.

Party expenditures may be divided into those made for *legitimate* purposes and those made for *illegitimate* purposes. Although it is impossible to ascertain with complete accuracy the total amount of money spent in any important campaign to influence the result of the election, it can safely be asserted that the amount expended in illegitimate ways falls far short, even in a presidential campaign, of the amount expended in ways perfectly legitimate.

Party Expenditures.

A candidate or party committee that spends a single dollar for illegitimate purposes, or spends an unreasonable sum for legitimate purposes, will fall at once under public suspicion and distrust. But the question, what is an "unreasonable" sum, justifying public suspicion and distrust, is not easy to answer. The general public, uninformed respecting the legitimate cost of conducting national campaigns or campaigns in large and populous states, is prone to regard any amount in excess of a few thousand dollars as unreasonable, and affording just ground for suspecting the existence of a corruption fund. It ought to be perfectly clear, however, that, under modern conditions, the presentation of a presidential candidate, a party programme, or even a religious or altruistic cause, to the entire country is a very expensive undertaking; and it is not always easy to draw the line between legitimate and illegitimate expenditures.[1] "An election among 100,000,000 people and in a village community are two quite different things. Size, distance, and numbers in themselves produce complications. Where the candidate is the choice of his own neighbors who have known him all his life, the election is one thing; where he is the choice of people who do not know him and must be told about him, there is interposed between the voter and his final judgment the whole mechanism of modern publicity. The final vote is not the result of direct acquaintance; it is the result of the news reports, the advertising, the oratory, the elusive rumor, which are the modern substitutes for direct acquaintance. The choice of the voter is not among men whom he knows, but among arti-

Campaign Work Is Inevitably Expensive.

[1] *Outlook*, CXXIV, 585 (1920).

ficial pictures of men whom he does not know. The making and selling of these pictures is the really costly part of modern campaigning." [1]

But for what do all the vast sums mentioned earlier in this chapter actually go? What are the main items justifying the expenditures of thousands of dollars in state and local campaigns, and of millions in connection with a presidential election? "A national candidacy requires numerous headquarters, tons of literature, a small army of clerks, tabulators, copyists, and addressers. It must have speakers and organizers; it must advertise, and its postal and telegraph and telephone bills and its travelling expenses will be high." [2] The mere sending out of one letter to every person who voted in the presidential election of 1920, allowing five cents for postage, stationery, and labor, would cost over $1,300,000; and to reach every potential voter in 1920 in this way would have cost about double that amount.[3] It is, of course, impossible to enumerate all the purposes or objects for which money may be legitimately expended, but some of the more obvious and important may be indicated. In recent national campaigns from two to six sets of headquarters, each with a staff of clerks and stenographers, have been maintained for several months by the Republican and Democratic parties. In addition to this there are heavy expenses connected with the maintenance of state and local headquarters. The hire of halls for conventions and mass-meetings is another important item. In some years in New York County eighty different political conventions have had to be provided with a place of meeting, not to mention their incidental expenses. For a single mass-meeting in New York City the expense of hall hire, music, and decorations has amounted to $3,000; while the expense connected with a great meeting in the Madison Square Garden at which Mr. Taft and Governor Hughes spoke in

Legitimate Expenditures.

[1] "Money to Nominate," *New Republic*, XXII, 198–199 (1920).

[2] Albany *Knickerbocker Press*, quoted in *Literary Digest*, April 10, 1920, p. 28.

[3] Over 26,600,000 persons voted for president in 1920.

1908 footed up about $10,000.[1] Special trains and automobiles have to be hired at great cost for the transportation of the leading candidates and speakers. The expenses of campaign speakers have to be met, and sometimes they have also been paid a salary of $100 a week, and in very exceptional cases $100 a night. New York and other cities have been known to have torchlight processions the equipment and arrangements for which have cost as high as $12,000.[2] The amount expended on printing is enormous. The printing of one speech for distribution has cost $5,000, and there have been campaigns when twenty such speeches have been printed and distributed. Then there is the printing of other campaign documents, the preparation of "plate" and "patent inside" matter for newspapers, tickets for caucuses and conventions; and in a few states the primary ballots have to be printed at the expense of each party. Large sums are also required for cartoons, lithographs, posters, badges, banners, flags, and advertisements in the newspapers.[3] For the last item, $28,500 was expended in a recent campaign in New York County alone. It has been estimated that the printing bill of the Republican national committee in the campaign of 1900 was not less than $200,000, and this does not include the sums expended by state and local committees.[4]

In large cities like New York, where the leading parties maintain open headquarters and employ a staff of officials the year round, there is need of a permanent campaign fund, and the amount required for perfectly legitimate purposes is very large.

[1] H. Parsons, *Outlook*, XCVI, 351 (1910).

[2] E. Lissner, *Harper's Weekly*, XLVIII, Pt. 2, p. 1314 (1904).

[3] In view of the rise in prices in the past few years, much larger sums would be required to-day to meet the cost of the items enumerated above as well as of many of the items mentioned in the next paragraph of the text. In 1920, the Republicans spent approximately $160,000 for billboard advertising alone. *Hearing . . . Pursuant to Senate Resolution 357*, I, 1379. See also the items listed in the Republican budget on p. 207.

[4] In the presidential campaign of 1916 the Republican national committee created an "economy and efficiency bureau" in connection with the Chicago headquarters, to analyze appropriations for each campaign committee and the expenditures actually made; the purpose being to forestall all possible criticism that money contributed to the campaign had been spent in ill-considered and resultless projects.

Some idea of these expenses in a large city may be gathered from a list of the most important items of expense which had to be met by the Republican county committee of New York County in 1910.[1] Every election district in the city had a headquarters club open during the entire year, the expenses of which were in part met by membership dues, entertainments, and chowder parties, the balance being defrayed from the treasury of the county committee. An effective campaign in a Republican district cost, including the expenses of headquarters of local candidates, about $4,000. The maintenance of county headquarters, open throughout the year,[2] cost over $14,000—rent, $2,000; secretary's salary, $3,500; stenographer and clerk hire, $4,000; printing and stationery, $3,000; postage, telegraph and telephone, and miscellaneous, $1,500. It is exceedingly important to get the full party vote registered prior to the day of election, and to do this effectively workers are needed and must be paid. This cost, in the presidential campaign of 1908, about $13,500. The amount paid for speakers in that campaign and the expenses connected with meetings did not fall far short of $20,000. Stenographic reports of speeches furnished to the press cost $1,500. In the same campaign the county committee established three noonday tent meetings, at a cost of $15,000. In guarding against fraudulent registration and voting, $27,000 was easily spent. For use on election day in getting out the vote about $40,000, or $40 to each election district—not an excessive sum—was then required. Altogether, including the printing of primary ballots and a variety of other expenses, fully $200,000 was needed before the World War to carry on a vigorous and effective campaign in New York County alone, while $100,000 additional could have been spent legitimately for a personal canvass of the county prior to an election.

Legitimate Campaign Expenses in New York City.

Of the *illegitimate* expenditures connected with political cam-

[1] The description which follows is a condensation of Herbert Parsons's article "Why a Political Party Needs Money," *Outlook*, XCVI, 351 (1910).

[2] For the explanation of the necessity of a permanent staff at County headquarters see Parsons, *op. cit.*

paigns no more complete list can be given than in the case of the legitimate expenses. Both are limited, in the absence of restrictive statutes, only by the size of the fund available and the ingenuity and scruples of the party managers. The principal illegitimate use of money in a campaign takes the form of bribery of voters. This may be accomplished directly, by the payment of money, or other valuable consideration, to a voter, in return for which he votes the party ticket favored by the bribe-giver; or indirectly, by paying voters to stay away from the polls.

Illegitimate Expenditures.

The extent to which bribery figures in any campaign depends largely upon the locality. It is commonly supposed to be most extensively practised in "close" rural districts and in city wards. "Careful investigators and practical politicians agree in placing the corruptible vote of the country at two per cent of the whole"; or rather that it would be necessary to corrupt only two per cent to swing a general election.[1] Localities are not uncommon where from ten to thirty-five per cent of the voters are purchasable. Some years ago in a township in Indiana having about 200 voters, all were found to be more or less purchasable. In one township in eastern New York with about 400 voters there were only thirty who could not be purchased.[2] In New York City it was estimated some years ago that the number of venal voters was in excess of 170,000—men who expect to be paid for their votes in one form or another, chiefly in cash.[3] An investigation into venal voting in Connecticut, made in the early nineties, brought out the fact that in a voting population of 166,000, from 17,000 to 25,000 were liable to be bought and sold at every election. This same investigation and more recent revelations of political corruption in Adams County, Ohio, and Vermilion County, Illinois, prove conclusively that vote-buying politicians and purchasable voters are not confined to large cities or to any one racial stock; and that, contrary to a widely prevalent opinion, foreign immigrants

Bribery

[1] P. McArthur, *Forum*, XLVII, 30 (1912).
[2] J. W. Jenks, *Century*, XLIV, 940 (1892).
[3] J. G. Speed, *Harper's Weekly*, XLIX, Pt. 1, pp. 386 ff.

are not the worst offenders. Of the venal voters in Adams County, Ohio, the large majority were of native American stock, living in rural communities; while in the districts investigated in Connecticut, 556 in every thousand were of American stock, 173 were Irish of the second generation, 136 Irish-born, 28 were Germans of the second generation, and 53 were native Germans.[1] In many localities little money goes to the voters directly, but is paid to men of influence to use on or just before the day of election in "treating" the voters with cigars, drinks, etc. Sometimes efforts have been made to get the voters of the opposite party so intoxicated that they would be unable to go to the polls.

Flagrant Instances in Rural Districts.

Using money for "colonization" or bringing in "floaters" or voters from other districts constitutes another illegitimate expenditure, and is extensively practised in large cities with a strong foreign element. Before the enactment of absent-voting laws considerable sums were also expended to pay the expenses of students at colleges and universities, and of other persons, incurred in returning to their homes in order to vote. Some people regard this as a mild form of indirect bribery, since it is expected that the person thus assisted will vote for the party which pays for his transportation; others regard the custom merely as a part of the legitimate expense of "getting out the vote" on election day.[2] A number of other expenditures may be regarded as at least of doubtful legitimacy.

Increased knowledge on the part of the general public of the sources and magnitude of campaign funds, especially in national and state elections, and of the nature and extent of the illegitimate purposes to which such funds have been applied, has resulted in the enactment of a large number of state laws which are commonly referred to collectively as corrupt practices acts. But these acts cover

Remedial Legislation.

[1] J. J. McCook, *Forum*, XIV, 1, 159 (1892).

[2] The enactment of absent-voting laws in all but a very few states since 1911 has largely done away with the need for any such expenditures. See Chapter XIII.

such a wide range of subjects that it is well to distinguish four different classes of laws regulating the direct or indirect use of money in connection with political campaigns.

(1) Corrupt practices laws, using the term in the more restricted sense, are found in all the states; and their purpose is to prevent, or punish, infractions of the election laws, especially certain practices which injuriously affect the elective franchise though not directly involving the use of money, such as fraudulent registration, and tampering with voting lists; "repeating," or personating voters; stuffing ballot-boxes and stealing ballots; counterfeiting official ballots and making out fraudulent returns; violence and disorder at the polls; using undue influence with voters, including, in some states, threats of "spiritual injury."

Corrupt Practices Acts.

Among other offenses against the purity of the ballot, involving the use of money and prohibited by corrupt practices acts, the following are the most important: bribery; treating, which sometimes covers the giving of cigars and tobacco; betting by a candidate on any pending election, or furnishing money therefor; seeking a nomination for a venal consideration or motive, and not in good faith; soliciting or begging from candidates contributions to any so-called public benefit scheme, charitable, religious, or otherwise.

The corrupt practices laws of some states go even further and deal with the great channels of public information, the newspapers and periodicals. Such publications are commonly required by law to label all paid articles of a political nature as "Paid Advertisements" or "Political Advertisements." Minnesota, following the example of Wisconsin, went much further in 1912, and provided that before publishing any such advertisement or editorial a newspaper or magazine must file with the secretary of state a sworn statement giving the name of the owner or, in case of corporations, the stockholders of the publication. Any *candidate* owning a paper or periodical, or owning an interest in one, must file a statement with the county auditor specifying the nature of his interest or control before campaign articles or political advertisements may be inserted

therein. Publishers are also not permitted to solicit payment from candidates for printing articles in their behalf, nor may any person offer to pay a publisher for space except for advertisements labelled as required by law. All campaign literature, indeed, must bear the name of the author.[1]

(2) Forming a distinct species of corrupt practices acts are *laws which restrict the sources of campaign funds*. Contributions by corporations were first prohibited in 1897 in the statutes of Tennessee, Florida, and Nebraska; and at the present time a large number of states have similar prohibitions. Congress, in 1907, passed an act prohibiting contributions by any corporation to any campaign in connection with the election of president, vice-president, representatives and senators, and further prohibiting national banks[2] and other federal corporations from contributing to any campaign whatsoever.[3] Other laws place a limitation upon the amount which may be solicited from candidates or prohibit the solicitation of candidates for contributions except by duly authorized party officials. Mention has already been made of the state and federal laws which have been enacted to prohibit the assessment of public officials and government employees covered by civil service regulations.[4] Massachusetts prohibits the solicitation of money for campaign purposes by or from any public officer or employee of the state or of any county, city, or town. A few states have laws which place limitations on the amounts that may be received from a given source. Thus, in Nebraska, no contribution of more than $1,000 may be received in one payment; and no amount over $25 may be received within two days of an election.

Laws Restricting the Sources of Party Revenue.

[1] W. A. Schaper, *Am. Pol. Sci. Rev.*, VII, 92 (1913). Similar provisions are found in the comprehensive Utah act of 1917; see *Am. Pol. Sci. Rev.*, XIII, 272–273 (1919).

[2] On the contributions by banks in the campaign of 1896, see Woodburn (1914), 409, n. 2.

[3] Approved, January 26, 1907, M. A. Schaffner, *Corrupt Practices at Elections*, 31; P. Belmont, *No. Am. Rev.*, CLXXX 166 (1905); *United States Statutes at Large*, XXXIV, 864.

[4] See also Chapter XV.

President Roosevelt, in his annual message to Congress in December, 1907, made a novel suggestion which contains the germ of a possible solution of one phase of the problem of regulating the use of money in national elections. "The need for collecting large campaign funds," runs the message, "would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties, an appropriation ample enough to meet the necessity for thorough organization and machinery which requires a large expenditure of money. Then the stipulation should be made that no party receiving campaign funds from the treasury should accept more than a fixed amount from any individual subscriber or donor; and the necessary publicity for receipts and expenditures could without difficulty be provided."

Shortly thereafter an interesting, although short-lived, experiment in this direction appeared in Colorado. The legislature passed an act in 1909 which declared that "the expenses of conducting campaigns to elect state, district, and county officers at general elections shall be paid only by the state and the candidates." Contribution by other persons or by corporations was made a felony. Candidates were permitted to contribute only a certain percentage of the salary or fees connected with the office sought, and the state contributed to each political party twenty-five cents for every vote cast at the last preceding election for its candidate for governor. The state treasurer paid the entire amount due each party to its state chairman, who was placed under bonds to distribute one-half among the various county chairmen, according to the party vote in their respective counties.[1] Unfortunately, this interesting innovation met an early death, for two years later the act was held unconstitutional by the state supreme court.[2]

(3) A third, and more extensive and varied, kind of corrupt practices laws has appeared within the past dozen or fifteen

[1] L. E. Aylsworth, *Am. Pol. Sci. Rev.*, VII, 91–92 (1913).

[2] McDonald *v.* Galligan. It would be interesting to know on what grounds this decision was reached, but the opinion of the court has never been published.

years. These laws relate to campaign expenditures; and in dealing with that subject three main kinds of legal restrictions are found: (*a*) some laws prohibit certain expenditures altogether; (*b*) others attempt a more or less complete enumeration of objects of permissible expenditure without limiting the amount that may be spent for such objects; and (*c*) still other provisions attempt to place a definite limit to the amount that may be expended either by individual candidates or by party organizations.

Laws Regulating Expenditures.

(*a*) Some of the prohibited expenditures, such as bribery and betting, have already been mentioned; others include the payment of naturalization fees or poll-taxes by others than the persons directly concerned; payments by candidates or political committees for personal services on primary and election days, except for hiring challengers and watchers; payments for the use of vehicles to carry voters to the polls on primary and election days, except for sick, disabled, aged, or infirm persons.[1] Under the New Jersey law of 1920, no printing or distribution of posters or cards on billboards, dead walls, trees, posts, or the windows of buildings is allowed.[2] A number of states place a ban upon contributions by candidates or party organizations to charitable institutions during or immediately preceding a primary or an election; and in West Virginia any such institution asking for such a contribution is subject to a heavy fine.

Prohibited Expenditures.

(*b*) The Pennsylvania law may be taken as fairly typical of those statutes which make an enumeration of permissible expenditures. "Lawful expenses" in Pennsylvania include: printing and travelling expenses, and personal expenses incidental thereto; stationery, advertising, postage, expressage, freight, telegraph, telephone, and public messenger services; expense incurred in the dissemination of information to the public; for political meetings, demonstrations, and conventions, and for the payment and transportation of speakers; for the rent, maintenance,

Enumerated Permissible Expenditures.

[1] Utah act of 1917.

[2] *Am. Pol. Sci. Rev.*, XVI, 416 (1922).

and furnishing of offices; for the payment of clerks, typewriters, stenographers, janitors, and messengers, actually employed; for the employment of watchers at primary meetings and elections; for the transportation of voters to and from the polls; for legal expenses, bona fide incurred, in connection with any nomination or election.[1] All other expenditures by parties or candidates are prohibited.

Laws Restricting the Amount of Expenditures.

(*c*) In the third group are found laws which limit the number of workers, watchers, and challengers at the polls, and the number of conveyances which may be used to get voters to the polls. Other laws restrict the amounts which may be spent for bands, torches, badges, etc. In setting a limit to the amounts which may be spent by candidates or in their behalf several different methods are employed. In California the amount is based upon the number of votes cast at a preceding election.[2] In other states, only a certain percentage of the salary attached to the office sought is permitted. In an Oregon primary campaign, for example, no candidate is allowed to spend more than fifteen per cent of the first year's salary; and, if nominated, he may not spend more than ten per cent additional in the election campaign. Any candidate, however, is permitted to spend at least one hundred dollars regardless of salary. Apparently a more generous allowance is granted in Michigan, where the primary expenditures of candidates for governor and lieutenant-governor are fixed at fifty per cent of the first year's salary of the office, and other candidates are limited to twenty-five per cent. Candidates successful in the primary may spend as much more in the election campaign.

A definite maximum amount of expenditure, regardless of salary, is fixed for all candidates in some laws; while, in others, this maximum applies only to the most important offices, a salary percentage being stipulated for local offices. In Minnesota, for example, the act of 1912 fixed the maximum expendi-

[1] A similar enumeration is made in the Michigan law.

[2] A similar rule in New Jersey governs the expenditures by candidates for the legislature, county fee-offices, and municipal offices.

tures for the governorship at $7,000, at $3,500 for other state executive offices, $600 for state senators, $500 for representatives in the legislature; and in the case of local offices, one-third of the first year's salary.[1] In comparison with these amounts, the sums permitted in New Jersey at first seem almost prodigal, for there $50,000 may be spent to aid the primary campaign of a candidate for the governorship or for the United States Senate; and an equal amount may afterward be spent to aid the election of the successful primary candidates. Delegates to national nominating conventions may spend as much as $10,000 apiece. Inasmuch as New Jersey is entitled to at least twenty-eight delegates to the Republican and Democratic conventions, over a million dollars might thus legally be expended if there were two contestants for each position in these two parties. Presidential electors are restricted to $5,000; candidates for the state committee, to $1,000; and candidates for county committees, to $50. The combined primary and election expenses of candidates for *salaried* county offices may equal one year's salary attached to the office.

In forming an opinion as to whether the amounts specified in laws like those of Minnesota and New Jersey are fair, excessive, or unreasonably low, one must take into account the differences in area and population of the various states, for both of these factors affect the cost of campaigning. When, in these respects, states differ so widely as do Vermont and Texas, or New Jersey and California, it is perfectly obvious that what may be a fair amount in one state may be too generous in small states, and unduly restrictive in large ones. Furthermore, amounts that appear to be equal in different state laws may actually be very unequal; and, on the other hand, allowances that apparently differ greatly may in reality be substantially equal.

Are These Allowances Adequate?

Perhaps the best basis for passing judgment upon such campaign allowances is to estimate the permissible expenditure per voter for the state or other area concerned. Taking, for example, the number of persons who voted for president in 1920 as

[1] W. A. Schaper, *Am. Pol. Sci. Rev.*, VII, 91–92 (1913).

a basis, it appears that the $7,000 permitted to candidates for the governorship in Minnesota for primary and election campaigns combined figures down to a total allowance of less than one cent per voter; and to a correspondingly smaller amount for the other state offices—sums which, in either case, seem unreasonably low. Judging in the same way the seemingly over-generous allowance of $100,000 permitted to candidates for governor and United States senator in New Jersey, we are surprised to find it amounts to a total allowance of about eleven cents per voter—a sum which no one would call excessive, and many might consider unreasonably small.[1] Another feature of the New Jersey law, however, is hard to justify, and that is the allowance of $10,000 for delegates at large to national conventions, who have to conduct a state-wide campaign, and exactly the same allowance to district delegates to the same conventions, whose campaign is of course restricted to a single congressional district.

The Utah law of 1917 not only set limits to the amounts which candidates may spend, but went further and restricted the aggregate disbursements of the state central committee to twelve and one-half cents for each vote cast in the state for all gubernatorial candidates in the last preceding general election; and a similar limitation was placed upon the disbursements of county committees.

Party Treasurers.

Mention should be made, in conclusion, of another set of provisions commonly found in state laws regulating campaign contributions and expenditures; namely, the requirement that each party committee shall elect a treasurer, that all contributions and expenditures shall be made through him, and that he shall keep, and, in some states, publish, a complete record of all his financial transactions connected with the campaign. Sometimes, as in New Jersey, every candidate, before receiving or disbursing any money, is required

[1] It should be noted that these computations are based upon the vote actually cast in the presidential election, and so falls far below the number of possible voters that candidates tried to reach. If these were reckoned in, the sum allowed per voter would be correspondingly reduced.

to appoint a "campaign manager" who becomes the sole authorized channel of contributions and expenditures. All funds collected by such agents must be deposited in some national or state bank, or trust company, and very strict regulations govern disbursements from such deposits.

But the states have not been alone in enacting legislation restricting or regulating the use of money in political campaigns; Congress, too, has legislated on this subject. In 1910 an act was passed which imposed a definite limit to the amount that candidates for the United States Senate and House of Representatives might spend in connection with their nomination and election. The sum permitted to candidates for the House was fixed at $5,000, and to senatorial candidates, at $10,000. Both of these amounts, however, were exclusive of personal expenses for travel and subsistence, stationery and postage, writing or printing (except in newspapers), and distributing letters, circulars, and posters, and telegraph and telephone services. If, however, any state law fixed a smaller sum for candidates for these offices, the lower amount was to be taken as indicating the maximum allowance, instead of the sum named by Congress. The national law, however, did not restrict the amount which might be expended on behalf of a candidate by others, or which might be contributed to the funds of the party; and perhaps this feature compensates in some measure for the allowance of only $5,000 to candidates for the House, a sum which may be quite adequate in a few of our smallest states, but which spreads out very thin in the more populous congressional districts, and is seemingly quite indefensible when applied to congressmen-at-large, who deserve as large an allowance as senatorial candidates.

The Act of Congress, 1910.

After this federal law had been in force for more than a decade, it was declared unconstitutional by the United States Supreme Court in the Newberry case (1921),[1] so far, at least, as

[1] Newberry *v.* U. S., 256 U. S. 232 (1921); 41 Sup. Ct., 469.

Truman H. Newberry was a candidate for the Republican nomination for United States senator in the Michigan primaries in 1918, and was elected later the same year. In November, 1919, he and 134 others were indicted

it applies to the *primary* expenditures of candidates for the Senate. This conclusion was reached by the unwillingness of a bare majority of the court to regard primary campaigns as a part of the senatorial *elections*, which Congress is expressly empowered by the Constitution to regulate. The court also stressed the point that the act had been passed before the adoption of the Seventeenth Amendment, which established popular election of senators. Unfortunately, the result of the decision and of the peculiar way in which the justices divided with respect to these two points, leaves it greatly in doubt at the present time whether the act is still valid as applied to candidates for the House, and whether Congress has power, by virtue of the Seventeenth Amendment, to enact a new law, similar in character, which will cover senatorial primary campaigns.[1]

The Newberry Case.

(4) Experience having shown that laws limiting the sources of campaign funds, and restricting or prohibiting certain ex-

by a federal grand jury on charges of conspiracy in violating the federal law restricting primary-campaign expenditures of senatorial candidates to the $1,875 permitted by the Michigan law. At the trial in 1920, the evidence, and admissions of Newberry, showed primary expenditures of approximately $195,000. Newberry set up the defense that he was in New York City throughout the primary contest and had no knowledge of, and in no way authorized or approved, any amount in excess of the legal limit. The trial jury, however, brought in a verdict of guilty against Newberry and sixteen of his principal lieutenants; the others against whom indictments had been brought were discharged on one legal ground or another. The court sentenced Newberry to two years' imprisonment in the penitentiary and a fine of $10,000; and imposed somewhat less severe sentences upon the other guilty parties. Newberry carried the case to the United States Supreme Court, which, in 1921, rendered the decision mentioned above. While these court proceedings were pending, Henry Ford was actively contesting Senator Newberry's right to his seat before the Senate committee on privileges and elections. After the decision of the Supreme Court, the Senate adopted resolutions permitting Newberry to retain his seat (January, 1922). These resolutions were so extraordinary as to give rise to wide-spread condemnation of those who voted for them, and, before the year was over, Senator Newberry found occasion to resign his seat. For these resolutions, see *Literary Digest*, LXXIV, January 28, 1922, p. 15.

[1] For a summary and criticism of this decision, see T. R. Powell, *Pol. Sci. Quar.*, XXXVI, 472–476 (1921); E. S. Corwin, *Am. Pol. Sci. Rev.*, XVI, 22–25 (1922).

penditures, were ineffectual, a demand arose a few years ago for the enactment of so-called *publicity laws*, designed to throw open to public scrutiny the sources of campaign contributions and the objects for which they are expended. Publicity statutes are of two kinds: those requiring publicity for campaign contributions and those requiring publicity for campaign expenditures. About half the states now have publicity laws applicable to both contributions and expenditures, and the two kinds of laws may be considered together. The statutes which require publicity of *contributions* are aimed primarily to check the secret donations of rich individuals or corporations made with the expectation of receiving in return special favors of some kind. The nature and magnitude of such contributions were brought home to the public during the progress of the congressional investigation of the sugar trust in the early nineties, and even more forcibly during the investigation of the great life-insurance companies in New York in 1905.

Publicity Laws.

State publicity statutes do not cover contributions and expenditures made in connection with a presidential or congressional campaign. In the absence of an act of Congress, a million dollars might be spent during such a campaign in a single state having a most stringent publicity law, yet the committees responsible for that expenditure could not be made to render any public accounting under the state law. Out of this situation arose the National Publicity Bill Organization, in November, 1905, for the purpose of educating public opinion and securing the enactment, by Congress, of a statute which should require publicity of campaign contributions and expenditures in connection with all federal elections. This movement, "unlike almost all other reform movements, has had its origin among politicians. . . . Those who have contributed to campaign funds, who have been closely identified with the most important corporate and political activities, are among the most ardent advocates of the measure tending to restrain such contributions, especially on the part of corporations." [1]

[1] P. Belmont, *No. Am. Rev.*, CLXXX, 167 (1905).

The work done by this organization hastened the enactment of the federal law of 1907 prohibiting contributions by corporations. The achievement of the full purpose of the organization was in part anticipated and in part promoted by the action of both great parties in the presidential campaign of 1908. In that year the Democratic candidate for the presidency and the managers of the Democratic national campaign voluntarily announced that the receipt of campaign subscriptions would be promptly published; that small sums would be solicited from individuals; that no sum over $10,000 would be accepted from any single individual; and that no contributions would be accepted from corporations. Accordingly, on the 13th of October, 1908, the Democratic national committee published a list of contributors up to that date; and daily thereafter, until the election, published similar lists. Not to be outdone by this display of political virtue, the Republican national committee publicly announced that it would conduct the financial side of its campaign in strict conformity to the provisions of the stringent New York State corrupt practices act, and that it would publish not only a list of contributors but would also make public a list of its expenditures. Thereupon the Democratic national committee announced its intention of being governed in its financial transactions by the same statute.[1] As a result of this keen and unusual competition in political virtue the campaign funds of 1908 were tainted by contributions from rich individuals and corporations seeking special favors in a far less degree than for many years.[2]

Publicity in the Campaign of 1908.

Largely as a result of the activity of the National Publicity Bill Organization and the increasingly strong sentiment favoring publicity in connection with federal elections, Congress in 1910 passed an act[3] requiring the fullest publicity for both contributions and expenditures made in connection with the *election* of members of the House of Representatives. This law was soon followed by the passage

Federal Publicity Laws.

[1] J. Daniels, *Rev. of Rev.*, XXXVIII, 430 (1908); *Outlook*, XCV, 8 (1910).
[2] See R. C. Brooks, *Corruption in American Politics and Life*, 233 ff. (1910).
[3] Approved, June 25, 1910.

of an act[1] in 1911 providing for the fullest publicity of contributions and expenditures made by or on behalf of all candidates for the offices of representative and senator in Congress in connection with their *nomination as well as election*. These acts have been so construed as to require publicity for contributions and expenditures in presidential campaigns. They require campaign committees to keep accurate accounts of receipts and expenditures; and a sworn detailed statement of contributions received, with contributors' names and the objects for which the money has been spent, must be filed with the clerk of the House of Representatives or the secretary of the Senate fifteen days before the day of election and every sixth day thereafter. Thirty days after the election a final statement must be filed; and these statements are open for inspection and publication.[2]

Results of Publicity.

The beneficial effects of this movement for campaign publicity are thus summarized by the foremost champion of publicity for federal elections: "The purchase by secret campaign contributions of important federal offices, at home and abroad, has been rendered more difficult, and a way of stopping it altogether has been provided. A check has been put upon the large secret contributions of corporations and individuals, with the understanding that political debts are thus incurred by party organizations. Stockholders and policyholders no longer helplessly witness the expenditure of corporate funds for political purposes. Corporations and candidates are protected against exactions that were constantly increasing. The enormous and unnecessary campaign expenditures in recent years, affording opportunity and encouragement to corruption, have been materially diminished. It is now the accepted opinion that a contribution to a political committee has no right to secrecy. The false conception that in respect to political contributions the individual has the right to use his money as he sees fit no longer exists in disregard of long-established restrictions upon the use of money in elections.

[1] Approved, August 19, 1911.

[2] See *United States Compiled Statutes* (1918), §§ 188–198.

It is now admitted that campaign-fund publicity is not an unnecessary interference with alleged individual rights, and that publicity is essential to determine the propriety of motives prompting political contributions." [1]

QUESTIONS AND TOPICS

1. Some of the ways in which money has been used improperly in elections, other than those mentioned in the text. (See Jenks.)

2. Vote-buying in New York City and State. (See Speed.)

3. Vote-buying in New Jersey. (See Speed.)

4. Vote-buying in doubtful states. (See Speed.)

5. The extent and character of political corruption in Adams County, Ohio, and Vermilion County, Illinois.

6. Recent violations of the United States civil service act in the matter of political assessment of office-holders. (See recent *Reports* of the United States Civil Service Commission.)

7. What laws exist in your own state respecting campaign funds, including assessment of office-holders? How are they enforced or evaded?

8. Campaign contributions by the sugar trust and the New York life-insurance companies. (See *Senate Reports*, 2d session, 53d Congress, X, 351 ff.; and New York Legislative Insurance Investigation Committee *Report*, VII, 300; see also the index, p. 555.)

9. The debate in the Republican national convention of 1908 over the attempt to insert a publicity plank in the platform.

10. The work of the New York State Publicity Law Organization and the National Publicity Law Organization. (See Belmont.)

11. The actual operation of the Oregon method of restricting campaign expenditures. (See Bourne.)

12. Political corruption in England. (See Lowell, I, Porritt.)

13. Political corruption in Canada. (See Fyfe.)

14. The English law governing corrupt practices in elections. (See Henry, Lowell, I.)

15. The political activity of the Second Bank of the United States in the time of President Jackson. (See Catterall's *Second Bank of the United States*, C. G. Bowers, *Party Battles of the Jackson Period*, (1923), and the general histories.)

16. Should the publication of campaign contributions and expenditures take place before or after the election? (See Brooks.)

[1] P. Belmont, *No. Am. Rev.*, CLXXIX, 35 ff. (1909).

17. What are the legal agencies for the repression of political corruption, especially bribery, and the obstacles encountered? (See McGovern.)

18. Is it a mistake to penalize both the bribe-giver and the bribe-taker? How do "immunity" laws materially assist in exposing and punishing bribery at the polls and in legislative bodies? (See McGovern.)

19. What arguments can be advanced for and against the payment of national campaign expenses by the federal government, as recommended by President Roosevelt? (See Baldwin, Brooks, Mackaye.)

20. The details of the federal publicity act of 1911. See *Statutes of the United States*, 62d Congress, 1st session, 25; *U. S. Compiled Statutes* (1918), §§ 188–198.

21. What matters are covered by the corrupt practices acts of your own state? How might those acts be strengthened?

22. The Penrose-Roosevelt-Archbold controversy over campaign contributions by the Standard Oil Company, and the resulting Senate investigation (1912) of campaign contributions.

23. Summarize the findings of the Senate committee on privileges and elections which investigated expenditures in connection with the election of Senator Stephenson, of Wisconsin.

24. Make a list of the important contributors to the Democratic campaign fund in 1912 who were afterward appointed to important federal offices by President Wilson. (See Philadelphia *Public Ledger*, March 28, 1915.)

25. Summarize the record of contributions and expenditures in connection with the Pennsylvania senatorial campaign of 1914. (See Philadelphia *Public Ledger*, December 4, 1914.)

26. Senatorial investigation of the campaigh fund and expenditures for the re-election of Senator Penrose in Pennsylvania in 1914. (See Philadelphia *Public Ledger*, January 7, 1915.)

27. The Terre Haute and Indianapolis election frauds and trials, 1914–15. (See Stimson.)

28. If there is a law in your own state limiting the amounts to be expended by candidates, how large a legal expenditure *per voter* is possible?

29. How large a sum per voter may senatorial and congressional candidates in your state spend under the federal laws enacted in 1910–11?

30. Summarize the facts and the court decision in the Newberry case (1918–1922).

31. Criticisms of the action of the Senate in sustaining Newberry in 1922.

32. Preconvention presidential campaign expenditures in 1920 and their effect upon various candidacies.

33. The allegations of Governor Cox respecting the size of the Republican campaign fund in 1920, and their refutation.

34. Summarize the testimony of the most prominent party officials respecting size of party funds and methods of raising money in 1920.

35. Republican and Democratic congressional campaign funds in 1922.

36. Recent campaign expenditures of the Anti-Saloon League, especially in New York.

37. The Anti-Saloon League, the courts, and the New York corrupt practices law in 1922–23.

CHAPTER XII

SUFFRAGE QUALIFICATIONS. NEGRO SUFFRAGE. REGISTRATION SYSTEMS. COMPULSORY VOTING. WOMAN SUFFRAGE

SINCE control of the government by winning elections is the ultimate aim of a political party, a treatise on practical politics should include a discussion of a few topics which relate primarily to elections. First in logical order is the topic of the suffrage, or the qualifications prerequisite to participation in elections.

Two Conceptions of the Suffrage.

There are two conceptions of the suffrage. According to one, it is viewed as a sort of natural right of man; and it is this conception which is emphasized in practically all American legislation on the subject. According to the other, the suffrage is looked upon not as a right but as a privilege; and this conception is the one emphasized in the legislation of England and other European countries.[1]

Strictly speaking, no country has universal suffrage for all its citizens; indeed, nowhere are the terms voter and citizen identical in meaning. Native-born women and children in any country are classed as its citizens; but children are never permitted to vote in elections, and only within a very few years have the leading nations enfranchised their adult women citizens.

Constitutional Restrictions on the States.

In the United States the determination of who should have the right to vote was left wholly to the states until 1870. In that year the federal Constitution was so amended as to prohibit both the national government and the states from depriving any citizen of the United States of the right to vote on account of race, color, or previous condition of servitude—a provision then deemed necessary for the protection of the former slaves. This Fifteenth Amendment is commonly spoken of as conferring suffrage upon the negro; as matter of fact it did so

[1] See *Cyclo. Am. Govt.*, III, 447.

only indirectly, by prohibiting the states, when prescribing suffrage qualifications, from discriminating against colored persons on the three grounds specified. For half a century this amendment remained the only direct restriction upon the right of the several states to prescribe voting qualifications. But in 1920 a further restriction was added by the Nineteenth Amendment, which indirectly confers the suffrage upon adult women who are citizens of the United States, by prohibiting both national and state governments from denying to such persons the right to vote on account of sex.

So far, therefore, as the national constitution is concerned, there is nothing to prevent a state that is disposed to be generous to the point of prodigality, from conferring the right to vote upon all men, women, and children, indiscriminately, and upon aliens as well as upon citizens.[1] On the other hand, except for the limitations imposed by the Fifteenth and Nineteenth Amendments, there is nothing in the national constitution to prevent a state from restricting the right to vote to a comparatively small class—landowners, certain taxpayers, or the graduates of universities or professional schools—thus creating an oligarchical government under republican forms. As matter of fact no state has gone to either extreme, although at the time of the adoption of the national constitution the states were much less generous in bestowing the suffrage than they have been since about 1830. The property qualifications which were found in all the states in 1789 have long since disappeared except in one or two states.

State Suffrage Requirements.

The constitution of each state sets forth the qualifications which its voters must possess. All states specify (1) that voters must be twenty-one years of age, and all but two require (2) that they shall be citizens of the United States. (3) A certain period of residence within the state is also required, this period commonly being one year, and never less than three months (in Maine), nor longer than

[1] Only two states, Arkansas and Texas, now permit aliens to vote who have merely declared their intention to become naturalized. At the commencement of the World War there were nine such states.

three years (in Rhode Island). (4) Somewhat shorter periods of residence within the voter's home county and election precinct, commonly three months and thirty days, respectively, are also specified. (5) A few states still require the ownership of a small amount of real or personal property, or the payment of poll or property taxes. (6) Nearly half the states also impose some sort of educational or literacy test, under which a person otherwise qualified to vote must prove his ability to read, or to read and write, or both to read and "understand" a section of the state constitution. Sometimes, as in a number of Southern states, voters may qualify under either the property (or taxpaying) or the literacy test, but are not required to meet both. Finally (7) the laws of every state prescribe the way in which citizens who possess these voting qualifications may have their names placed upon the official voting-list used in primaries and elections; persons who are not thus "registered" are not permitted to vote unless they are able to meet additional requirements designed for such exceptional cases.

Not all persons, however, who happen to possess all the foregoing qualifications are permitted to vote, for certain classes in all states are deprived of the suffrage, either temporarily or permanently, because they are criminals, paupers, or insane. Formerly, absence from one's usual voting-place on the day of an election likewise had the effect of temporarily disfranchising a large number of legal voters. This injustice, however, has been remedied in most states by the recent enactment of what are called absent-voting laws, which will be explained in the next chapter.

Disqualified Persons.

Two or three of the suffrage qualifications enumerated above seem to call for somewhat more extended comment, namely, educational or literacy tests, the effect of these and other requirements upon negro suffrage in the South, and the various systems employed in preparing voting-lists.

Educational Tests.

(1) Some kind of educational test is now required in twenty-one states. In some states this test is merely the proof of ability to read; in others, it is the proof

of the ability to read and *understand* and also of the ability to write.

The first educational test was proposed in Connecticut in 1854 and adopted as a constitutional amendment in 1855, during the Know-Nothing agitation against foreign immigration. The amendment provided that every person should "be able to read any article of the Constitution or any section of the statutes of this state before being admitted as an elector." Massachusetts, in 1857, adopted a constitutional amendment requiring ability to read the Constitution in the English language and to write one's name. Over thirty years then passed before the next state, Wyoming, adopted a reading qualification (1889). Maine soon followed (1891) by adopting almost verbatim the Massachusetts amendment of 1857. By 1924 nearly half the states had adopted educational qualifications in some form, the last to do so being New York in 1921.[1]

Arguments for and Against Educational Tests.

The question whether educational qualifications for the suffrage are desirable and should be adopted by all the states is one which has been debated over and over. One's attitude is likely to be determined by one's conception of the suffrage as a right or a privilege. Those who regard it as a right are inclined to oppose educational qualifications, while those who regard it as a privilege to be enjoyed only by those who have proved themselves worthy of it will strongly favor educational qualifications and a suffrage restricted in other ways. Perhaps the strongest argument in favor of educational qualifications is based upon the assumption that education is essential to intelligent voting. Participation in government is "no child's play; it calls for a moderate degree of intelligence, with the power to

[1] See G. H. Haynes, *Pol. Sci. Quar.*, XIII, 495 (1898); *Cyclo. Amer. Govt.*, III, 445 ff. The popular vote in New York on the literacy amendment was 891,590 for, and 627,042 against. The other states with educational qualifications for voting are Alabama, Arizona, California, Delaware, Georgia, Idaho, Louisiana, Mississippi, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, Texas, Virginia, and Washington. See F. G. Crawford, "The New York State Literacy Test," *Am. Pol. Sci. Rev.*, XVII, 260–263 (1923).

learn at first hand. If matters of the gravest moment are to be left to the decision of the majority, it becomes of the utmost concern that the individuals who make up that majority shall at least have the possibility of learning for themselves in regard to the questions at issue. . . . Integrity, intelligence, independence of judgment, disinterestedness, a consciousness of the citizen's debt to the state—these are the qualities of a good citizen. It is with the prevalence of these that the future of democracy rests. They may all be present without the ability to read or write . . . yet in such communities as our own the lack of such ability in any man affords strong presumptive evidence that in him some, at least, of these qualities are wanting. The educational qualification emphasizes the fact that the granting of the suffrage should be in recognition of the voter's having reached a certain plane of mental and moral development, rather than of his having merely filled out twenty-one years of existence. The man, be he native or foreign born, who, amid the wealth of opportunity by which he is surrounded in America, is too inert to win for himself the slight intellectual attainments which this test requires, by that very fact proclaims his low and unpatriotic notion of citizenship no less clearly than does the coward who sneaks away to avoid the draft. . . . The state does well to hold its suffrage a thing of worth, to make it a prize to be sought after—a privilege to which the incapable may not aspire." [1]

Opponents of educational qualifications urge that such restrictions do not accomplish the end sought; namely, improving the character of the voters, but aim simply at illiteracy; and illiteracy, it is urged, is no proof of defective character. Educational qualifications are also opposed on the ground that they deny to orderly, law-abiding, and industrious persons the right to participate in the government which they are compelled to support by taxes.[2]

[1] G. H. Haynes, *Pol. Sci. Quar.*, XIII, 495 ff. (1898).

[2] In the *Report of the Illiteracy Commission of the National Educational Association* (1924), it is stated that there are 4,931,905 illiterates in the United States, the great majority of whom (3,168,165) are *native-born*. The

(2) Half of the states having educational voting qualifications are found in the South, and their adoption there has not been based so much upon the conviction that ability to read and write is essential to good citizenship as upon the perception that literacy tests afford a means of excluding thousands of negroes from voting without violating the letter of the Fifteenth Amendment.

Southern Literacy Tests.

Southern voting qualifications have been so much criticised in Northern states that a somewhat detailed discussion of them seems warranted at this point. Louisiana's suffrage laws may be taken as a fair illustration of the requirements in a number of other states. Under the constitution of 1898 a person might establish his right to vote in one of three different ways. First he might qualify by demonstrating his ability to read and write in making written application for registration in the English language or in his mother tongue, this application to be "entirely written, dated, and signed by him in the presence of the registration officer, or his deputy, without assistance or suggestion from any person or any memorandum whatever except the form of the application" set forth in the constitution.[1] Under the second method, in case a person cannot read or write, he might qualify by proving that he owns and has paid taxes upon property in Louisiana of the value of not less than $300.

foreign-born illiterates are mainly found in the urban, and the native-born in the rural, sections of the country. Of this total number, 4,333,111 are *eligible to vote.*

[1] Under the Louisiana constitution of 1921 an applicant for registration must also prove his ability "to read any clause in this constitution, or the constitution of the United States, and give a reasonable interpretation thereof." If the applicant is unable to read and write he may, nevertheless, be registered "if he shall be a person of good character and reputation, attached to the principles of the constitution of the United States and of the State of Louisiana, and shall be able to understand and give a reasonable interpretation of any section of either constitution when read to him by the registrar, and he must be well disposed to the good order and happiness of the State of Louisiana and of the United States and must understand the duties and obligations of citizenship under a republican form of government." Furthermore, all persons under sixty years of age are required to pay a poll tax, but the other tax or property requirements have been abolished. Article VIII, § 1, (c), (d), and § 2.

It is obvious that these two methods, if *fairly administered*, would have excluded not only illiterate and propertyless negroes but also illiterate and propertyless whites. So in order to minimize the effect upon the white voters and at the same time exclude as many negroes as possible, another method of qualifying for the suffrage was provided, popularly known as the "grandfather clause." Under this provision white persons unable to qualify under either the educational or property tests were permitted to vote if their father or grandfather had been entitled to vote on or before January 1, 1867. The period, however, during which this third avenue of approach to the suffrage remained open was less than a year; and thereafter all persons, whether white or black, were obliged to comply with either the educational or the property test.

Grandfather Clauses.

Four other states, Alabama, Georgia, North Carolina, and Oklahoma at one time had similar grandfather clauses. In the first three states, they remained in effect only a comparatively short time; sufficient, however, as in Louisiana, for practically all to qualify under them who were entitled to do so. In Oklahoma, on the other hand, the grandfather clause had been intended to be a permanent feature of the constitution of 1907. This, however, was defeated by the decision of the United States Supreme Court in 1914, which held the clause to be in conflict with the Fifteenth Amendment.[1] At the present time, therefore, no grandfather clause is in force.

Indeed, so far as the laws are concerned, nowhere in the South to-day is the negro, as a negro, cut off from the ballot.[2] *Legally*, any negro who can meet the comparatively slight requirements as to education or property, or both, can cast his ballot on a basis of equality with white voters; "legally the negro is essentially the political equal of the white man."[3] Most of the Northern criticism of

Administration of the Educational Tests.

[1] Guinn and Beale *v.* U. S., 238 U. S. 347 (1914). See also F. G. Caffey, "Suffrage Limitations at the South," *Pol. Sci. Quar.*, XX, 53 (1905).

[2] Except in Texas under the primary law passed in 1923, and quoted above, p. 86.

[3] R. S. Baker, *Atlantic Mo.*, CVI, 612 (1910).

Southern suffrage laws is in reality directed against the methods used in applying the various tests when negroes present themselves for registration. However reasonable these tests may seem in theory, in practice so many difficulties are thrown in the way of negro voters that only those who have an extraordinary allowance of patience, persistence, intelligence, and money can succeed in getting their names on the voting list. This is due chiefly to the fact that the laws are usually so framed as to make everything depend upon the spirit and integrity of the officers in charge of the registration machinery. There is abundant evidence that, through undue insistence upon technicalities, registration officers regularly employ their discretionary powers to disfranchise many negroes who undoubtedly possess all the legal qualifications.[1]

This is especially likely to happen, for example, in a state that requires a voter to prove his ability to read and "understand" a section of the state constitution: it is easy for the white election officers, who are often as ignorant as they are unscrupulous, to *assume* that a white person understands what he reads, whereas a colored person is usually presumed not to have that understanding. In states where the production of tax receipts is a prerequisite to registration, a typical practice is to delay the issuance of receipts to negroes, or to question their regularity, long enough to prevent their registration. Another practice is to separate white and colored applicants for registration, and so long as whites continue to come no colored persons are registered; and usually "closing time" conveniently arrives just as the last white person has registered. Similarly, ordinances prohibiting the assembling of white and colored people in the same public places are at times used to prevent the registration of colored persons. But, unfortunately, efforts to discourage registration and voting by colored citizens do not always stop with the comparatively mild practices just described. Threats of injury

[1] For an instance of arbitrary conduct on the part of an ignorant white election official in Virginia in the case of a *white* citizen who held a doctor's degree from one of our largest Northern universities, see T. J. Jones, "The Power of the Southern Election Registrar," *Outlook*, LXXXVII, 529 (1907).

to person or to property or business are frequently used with the same end in view. That such threats are not idle jests is abundantly proved by the astonishing amount of violence and intimidation that has attended elections in some parts of the South in recent years, especially in 1920, when the enfranchisement of negro women led many of that race to attempt to qualify. This only spurred the whites to more desperate measures to prevent the white vote being swamped by the colored.[1]

Extent of Negro Disfranchisement.

Just the extent to which adult colored citizens are disfranchised by one or another of the practices mentioned above cannot be stated in precise figures; but it seems safe to say that, taking the Southern states together, less than ten per cent of the adult negro population is able to vote; while in some parts of the South, probably not more than one negro in a hundred actually casts a ballot. Some idea of the extent of negro disfranchisement may also be obtained from the following facts: Louisiana, Mississippi, and Kansas have approximately the same population and, therefore, the same representation in Congress; but in the presidential election of 1920 only 126,057 votes were cast in Louisiana, and 82,492 in Mississippi, while in Kansas 570,243 votes were polled. Similarly, South Carolina and Arkansas have about the same population, but only 66,442 votes were cast in the former, and 183,637 in the latter; while in Connecticut, a somewhat smaller state, 364,027 votes were polled.[2] Due allowance should, of course, be made for the fact that white Democrats do not go to the polls in the same proportion as in states where there is a real contest; nevertheless, the main explanation of these discrepancies is the wholesale disfranchisement of the colored population in one way or another.

Occasionally an attempt is made to invoke the assistance of the Fourteenth Amendment in the hope of bringing about the

[1] Further facts in this connection may be learned from *Disfranchisement of Colored Americans in the Presidential Election of 1920*, a pamphlet issued by the National Association for the Advancement of Colored People, Dr. W. E. B. DuBois, Secretary, 70 Fifth Avenue, New York City.

[2] See M. Storey, *Problems of To-Day* (1920), pp. 122–123. In Mississippi more than half, and in Louisiana nearly half, the population is colored.

repeal of state laws containing educational and other requirements designed to exclude negroes. This amendment provides that when the right to vote is denied to any of the male inhabitants of a state being twenty-one years of age and citizens of the United States, *and in any way abridged except for participation in rebellion or other crime*, the basis of representation in Congress shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in the state. This amendment was adopted during the Reconstruction period in the expectation that the Southern states would prefer to grant full suffrage rights to the negro rather than have their representation in Congress reduced. It failed, however, to accomplish its original purpose partly because the language of the amendment is so broad as to involve the reduction of representation in Congress of all the states in the Union having a property, educational, or tax qualification, for all these qualifications inevitably result in the exclusion of a not inconsiderable number of adult persons from the franchise. No serious attempt, therefore, has been made to enforce this amendment even against the Southern states, although the Republican platform has at different times declared for its enforcement.[1] The practical difficulties in the way of ascertaining with any degree of exactness the number of persons who are excluded from voting because of such suffrage qualifications are so great that this part of the amendment has remained a dead letter.[2]

Futility of the Fourteenth Amendment.

(3) In the preceding paragraphs repeated references have been made to the "registration" of voters in Southern states. The requirement that each voter must not only possess the constitutional qualifications for voting, but must also have his or her name duly inscribed

Registration Systems.

[1] For example, in 1904 and 1908.

[2] See G. H. Haynes, *Pol. Sci. Quar.*, XIII, 495 ff. (1898); A. N. Holcombe, *State Government in the United States* (1916), pp. 148–150. E. G. Murphy, "Shall the Fourteenth Amendment Be Enforced?" *No. Am. Rev.*, CLXXX, 109–133 (1905).

on the official voting list used on primary and election days, is a legal provision by no means peculiar to Southern election laws; in fact it is found in the laws of practically all the states. By thus insisting that each person's right to vote shall be determined in advance of a primary or an election, on what are called registration days, the chance of troublesome contests arising at the polls is greatly lessened, and an additional safeguard is provided against repeating, personation, and other forms of fraud.

The preparation of these voting lists, or the registration of voters, as it is usually called, is commonly supervised by some county official or county board, such as the board of county commissioners or county supervisors, although in large cities, and in many counties as well, there are special election boards which attend to such matters. But the actual work of registering voters is generally performed at the precinct polling-places used on primary and election days; and is almost always entrusted to the regular bi-partisan polling-officials of the precinct who, in this way, are supposed to become more familiar with the qualifications of the voters likely to appear before them at the ensuing primary or election. Challengers are usually permitted to be present and to question the right of any applicant to register. A person so challenged is usually put under oath and examined by the registration officials regarding his eligibility. From their decision a rejected applicant may usually appeal to the supervising board or officer, whose decision is usually final, although an appeal to the courts is also permitted.

Most states have, at least for their most populous places, a system of personal registration, so-called from the fact that each voter must appear in person before the registration officials and prove his right to vote. In some states such personal registration may be made once for all; having once established his right to vote, the voter knows that his name will remain on the voting list until his death, removal from the district, or disqualification from some other cause. In point of fact, however, it is not always removed even under those circumstances; and the absence of frequent and thorough revisions of voting lists has often made it possible,

Personal Registration.

especially in cities, for floaters and repeaters to vote in large numbers under the names of persons who have died or moved away.[1]

To prevent such fraudulent voting, the best registration systems all require the making of entirely new registration lists at short intervals,—annually or once in two or four years; and provide for revising such lists, by adding or striking off names, before every election. These periodical registrations, especially when required annually, put the voters to a good deal of inconvenience; but in cities of any size it is worth the trouble, for there the opportunities for fraudulent voting greatly exceed those in rural or small urban communities. City voters are therefore commonly obliged to appear in person before the registration officials annually, or at least, biennially. Two or three registration days are usually designated by law before primaries or elections, and the time and place of conducting the registration are often advertised in the newspapers. Voters who are unable to appear upon any one of those days are not permitted to vote unless they "swear in" their votes, or establish their right to vote by compliance with some special formalities on primary or election day. In a number of states, such absentees are now permitted to register by mail.

The inconvenience to which voters are put when required to re-register annually, and to do so upon one of two or three fixed dates, has led a number of important cities to establish a system of "permanent" registration,[2] under which a person who has once registered is relieved of the necessity of re-registering so long as he continues to reside at the same address. New voters and voters who move from one precinct to another in these cities are permitted to re-register at the city hall or at some other central office at practically any time during the year, at their own convenience, instead

"Permanent" Registration.

[1] For a brief description of conditions in Philadelphia under such a system, see C. R. Woodruff, *Annals*, XVII, 181 ff. (1901).

[2] For example, Boston, Milwaukee, St. Paul, Omaha, and Portland (Oregon). For a brief discussion of registration methods in a number of important cities, see Chicago Bureau of Public Efficiency, *A Proposed System of Registering Voters*, etc. (Pamphlet, 1923).

of being obliged to attend to the matter on one of two or three specified days.

While the system of registration, annually, or at other short intervals, has very obvious merits in the case of the largest cities, there is perhaps less to be said in its favor when applied to cities of from twenty-five to a hundred thousand population. In such places, the election officers are much more likely to know the voters in their precincts than is true in larger places, and so the opportunity for successful fraudulent voting is almost wholly absent. To require, therefore, the annual re-registering of voters under such circumstances, seems unnecessarily burdensome. It is even claimed by some that the annual personal registration system everywhere prevents more "independent" voting, on the whole, than "regular" voting; that the people who do not register are mostly from the class who would vote independently of party or machine influences. The party worker, on the other hand, always sees to it that the "regulars," the persons who can be relied upon to vote the straight party ticket, are registered in goodly numbers.

The best personal registration laws require the applicant to give quite detailed information concerning himself, all of which is carefully recorded for purposes of identification. For example, according to the Pennsylvania law applicable to cities, the voter must give the registration officers the following information: name in full, occupation, street and number of residence, and whether he is a lodger, lessee, or owner; if a lodger or lessee of only a portion of the house, the location or number of the room or floor; the length of residence in the district and state; location of the house from which he last registered; place of birth and production of naturalization papers, if an alien; evidence of the payment of taxes; personal description, color, height, age, and weight; and the voter is required to sign his name in the registration books, if able to write. If unable to write, he must answer additional questions under oath. The signature requirement is one of the most satisfactory means yet devised for preventing personation of voters, for if a person is challenged on election day, he is required to

Detailed Information Called for.

write his signature in the registration books opposite that of the person he claims to be, and at the same time is required to answer a long list of questions the answers to which may be compared with those which have already been entered in the registration book opposite this name.[1] In case the person challenged is unable to write, the examination under oath becomes still more searching.

Revision and Checking of Voting Lists.

Any personal registration system, whether annual or "permanent," to be thoroughly effective in preventing fraudulent voting, must make adequate provisions for canvassing, checking, revising, and purging voting lists before primaries and elections. This is especially true of our largest cities, where the need for that sort of thing has been demonstrated over and over. It has been truly said that "the effectiveness of any registration system in preventing fraud is measured largely by the thoroughness and honesty with which the lists are canvassed." [2]

Methods of Canvassing or Checking.

The canvassing or checking methods employed in different places vary greatly both in form and in effectiveness. In many smaller places little is done along this line, and the voting lists stand from year to year with only such slight changes made as chance may have brought to the attention of the election officers. In other places reliance is placed upon the self-interest of party organizations as the principal guarantee of the integrity of the process of registration. Political committees often provide at their own expense a more or less thorough canvass, even where the law assigns that duty to certain public officials. In New York, Boston, Detroit, Milwaukee, and some other cities, the canvassing is done by the police department, and is said to be generally satisfactory. In

[1] Every voter should be required to sign his name before the polling officials on election or primary days as well as at the time of registering. This is now required in New York City, Milwaukee, Omaha, and Los Angeles.

[2] In the Terre Haute election fraud trial in 1915 one witness is reported to have testified to the frequent registration of non-residents and of dead men, and in one case even of a pet dog; and on election day these fraudulent registrations were voted on by hired repeaters and thugs. See S. C. Stimson, "The Terre Haute Election Trial," *Nat. Mun. Rev.*, V, 38 ff. (1916).

the cities of New York State fraudulent registration and voting were checked for many years through the activities of a state superintendent of elections and his corps of deputies distributed throughout the state.[1] These officials were empowered, among other things, to investigate all questions relating to the registration of voters, to arrest all persons discovered violating the election laws, and to prepare "challenge lists" for use in the precincts of New York City on registration and election days.[2]

Illinois City Election Law.

The Illinois city election law, in force in Chicago and nine other cities in that state, provides for an elaborate checking system under the supervision of a board of election commissioners, appointed by the county judge and having entire charge of the election machinery in those cities. On the two days immediately following registration, the two election clerks in each precinct are required to go *in person and together* to each address in their precinct from which any person has been registered, and to ascertain by inquiry whether the person registering actually resides there. If their inquiries do not positively show such residence, "suspect" notices are mailed to, or left at, such addresses, requiring the person named therein to appear before the precinct board of registry the following Saturday night, called "revision night," and show cause why his name should not be erased from the registry list. Failure to appear or to show cause results in the erasure of the name. Appeals from the decision of the board of registry to the board of election commissioners, and eventually to the county court, are permitted. Any voter may also appear before the precinct board of registry and, under oath, apply to have any name erased from the list for cause, or during registration hours may challenge any applicant for registration; whereupon the applicant must fill out and sign a prescribed affidavit. Keepers of lodging-houses are required to file affidavits

[1] This office was abolished in 1921 and its duties transferred to the various local election boards.

[2] For an interesting description of the ingenious "colonizing" and "repeating" methods employed in New York City a few years ago, see E. R. Finch, "The Fight for a Clean Ballot," *Independent*, LXVIII, 1020 ff. (1910).

giving complete lists of lodgers, within thirty days preceding an election or primary. These affidavits are checked over against the ward and precinct registers. If discrepancies appear, suspect notices are issued by the election board, and erasures may follow on the next revision night. The law also provides that the clerk of the criminal court of Cook county shall furnish monthly to the board of election commissioners the names of all persons convicted of penitentiary offences; that the governor shall furnish the names of all persons pardoned by him, if the persons were convicted in the criminal court; and that the health department shall furnish every month to the board the names of all persons over twenty-one years of age that have died during the preceding month. The election board classifies such names according to wards and precincts, and furnishes each precinct board of registry a printed list for their guidance on election day. A person convicted of a penitentiary offence cannot vote; a person pardoned is restored to his voting rights.

On paper, few registration laws appear more ideal, in their canvassing provisions, than the Illinois law just summarized. In practice, however, it has proved wholly ineffective, at least in Chicago. "It is ridiculous," says the Chicago Bureau of Public Efficiency, "to expect two persons in each precinct—men or women—to go from house to house and verify in a day or two, for five dollars each, the residence of each of 400 or more voters in such precinct. Such verification is, in fact, seldom if ever had. There is nothing thorough or systematic about the canvass as now made. Suspect notices are predicated upon casual inquiry and information. No report is required of the clerks as to the voters whom, presumably, they locate at the addresses given. Under the prevailing practice, even where the clerks are honest, the names of many persons not entitled to vote remain on the lists. And, if the clerks are dishonest, they may pave the way for fraudulent voting on election day by deliberately failing to report the names of persons known to them to have fraudulently registered, and of persons who were once properly registered but who, because of death, removal, or otherwise, are no longer voters. The result

Its Ineffectiveness in Chicago.

is that the lists are not purged of 'dead' names, and fraudulent voting by persons who impersonate those whose names remain improperly on the register reaches considerable proportions in some elections. On the other hand, it is not uncommon for clerks, in collusion and as a political trick, to send, or claim that they send, suspect notices to persons who are entitled to vote. If the person thus marked for a notice does not appear at the polling place on the Saturday evening named and establish his right to vote, his name is erased from the register, and he cannot vote at the following primary or election. This is true even though he failed to receive a notice. And failure to receive a notice may be due to none having been sent, to deliberate misdirection, to delayed delivery of mail, or to other reasons."[1] As a substitute for this ineffective system, police canvassing is being vigorously urged for Chicago.[2]

Having given some consideration to the qualifications which voters must possess and to the registration requirements which must be met, one is naturally led to inquire how many voters there are in the entire country, what proportion actually go to the polls, and whether it is desirable or expedient to adopt compulsory-voting laws in order to bring more voters to the polls.

Possible and Actual Voters.

In 1920 there were about 61,000,000 persons, all told, of voting age in the United States, including nearly 29,500,000 women and nearly 31,500,000 men. Deducting 6,500,000 for unnaturalized foreigners,[3] we have about 54,500,000 possible voters; and of these, over 27,600,000 are men and over 26,700,000 women.

[1] *A Proposed System of Registering Voters*, etc. (pamphlet, 1923), pp. 15–16.

[2] One of the essentials of an effective canvass is that it shall be made by a responsible person who can afterward easily be located and held accountable if the work has been dishonestly or improperly done. The police patrolman is such a person. *Ibid.*, 10.

[3] Apparently about twenty per cent of the eligible voters did not vote in the presidential election of 1896; twenty-seven per cent in 1900, thirty-four per cent in 1908, and thirty-two per cent in 1912. In 1922 less than fifty per cent of the eligible voters in thirty states voted for representative in Congress, and in thirty-five states for United States senator. See *Nat. Mun. Rev.*, XIII, 455, (1924), quoting *The Budget*.

The large and increasing percentage [1] of voters who stay away from the polls is a phenomenon common alike to presidential, state, and local elections. In 1920, when there were approximately 54,000,000 possible voters, less than 27,000,000, or not quite one half, voted for president. In an ordinary general election in Northern and Western states, in off-years, the "stay-at-home" vote, under normal circumstances, has been estimated at from twenty-five to thirty-five per cent of the registered vote; while at special and local elections the proportion is probably greater. Southern states ordinarily register a lower proportion of voters in general elections than is usual elsewhere, because they are one-party states, and a Democratic nomination is equivalent to election; so the real contest, if any, in those states occurs in the primary; and this fact, along with negro disfranchisement, accounts for the slim showing at election time.

Compulsory Voting Laws: In Other Countries.

To reduce this margin of non-voters compulsory voting has been advocated from time to time. At the beginning of the World War, such laws were in force in six Austrian provinces for the election of members of the provincial legislature, where a fine was imposed for failure to vote without reasonable excuse; in New Zealand, where failure to vote deprived a citizen of the right to vote at the next election; in five Swiss cantons, where small fines are imposed; and in Spain, where, since 1908, the names of delinquents have been published as a mark of censure, accompanied by a two per cent increase in the voter's taxes, or a reduction of one per cent in the salary of an office-holder. For a repetition of the offence, the voter is deprived of the right to hold public office in the future. Belgium, too, has long had a system of compulsory voting with the penalty ranging from reprimand and a small fine for the first offence to a larger fine and disfranchisement for the fourth offence within a period of fifteen years. More recently, compulsory-voting laws have appeared

[1] To arrive at the total number of eligible voters further deductions ought to be made for those disqualified for other reasons than alienage; but the exact number of such persons cannot be stated definitely.

in Tasmania, Mexico, Salvador, Honduras, Argentine Republic, Denmark, Holland, Luxemburg, Hungary, and Czechoslovakia.[1]

In the United States.

A few attempts at compulsory voting have also been made in this country, the most notable, perhaps, being that in Kansas City. The charter of that city, in the early nineties, authorized the imposition of a poll-tax upon all males over twenty-one years of age, but exempted all those who voted at the general city election occurring in the years in which the tax might be levied. The first tax was levied in 1890, but six years later the Missouri supreme court declared the charter provision unconstitutional because, in part, of the clause of the state constitution which prohibited any interference with "the free exercise" of the right of suffrage.[2] The constitutions of North Dakota and Massachusetts authorize the enactment of compulsory-voting laws, but neither of these states has yet enacted such a law. An effort to bring about the adoption of a similar amendment to the Oregon constitution in 1920 was unsuccessful.[3]

Arguments for Compulsory Voting.

The advocates of compulsory voting base their arguments mainly upon three assumptions: (1) that voting is not simply a privilege and a moral duty, but is a public trust and a legally enforceable duty. This is vigorously controverted by opponents. (2) It is assumed that the great majority of non-voters belong to the more intelligent and respectable classes, whose participation in primaries and elections in greater numbers would tend to improve the character of candidates and elevate the tone of election contests. This contention finds some support in an analysis of the Philadelphia vote some years ago by the Municipal League, which showed that the number of absentees was greatest in precincts inhabited chiefly by the respectable and intelli-

[1] Professor Joseph Barthélèmy, a member of the French Chamber of Deputies, has recently published an elaborate report on the operation of compulsory voting laws in various countries, reprinted in *Revue du Droit Public et de la Science Politique*, January, 1923, p. 101 ff.

[2] Kansas City *v.* Whipple, 136 Mo., 475 (1896).

[3] See J. D. Barnett, *Am. Pol. Sci. Rev.*, XV, 265–266 (1921).

gent classes, the so-called "better element."[1] On the other hand, more recent (1913) intensive investigations of non-voters in four typical precincts in Columbus and three in Cincinnati, Ohio, brought somewhat different results. In Columbus the "better" precincts showed 12.6 per cent and 19.4 per cent, respectively, of unregistered voters; in the slum precincts they numbered 24 per cent and 32 per cent respectively. In the better precincts 19 per cent and 22 per cent, respectively, did not vote, while the slum precincts showed 35 per cent and 45 per cent, respectively, of non-voters. In Cincinnati, the percentage who did not register in the slum district was more than three times as great as in the better precincts, while the percentage of those who did not vote was about twice as great.[2] These facts tend to establish the conclusion that, so far as these two cities at least are concerned, a much larger percentage of non-voters came from the ignorant and vicious classes than from the intelligent and respectable classes, and tend to weaken generalizations based upon the earlier Philadelphia investigation.

It is also generally assumed (3) that abstention from voting is mainly due to indifference. Unfortunately, no statistics exist which warrant a positive mathematical assertion on this point either way. When, however, due allowance is made for those who are kept away from the polls by reason of their occupations, for example, travelling salesmen or representatives of business houses, federal employees, students at colleges and universities, railway and steamship employees, sailors and fishermen, persons in the theatrical profession, and contractors and laborers employed at some distance from home; also for persons prevented from voting by sickness, old age, physical disability, inclement weather; and for those who are called away from home

[1] See P. Deeter, *Prize Essay on Compulsory Voting* (1902), pp. 18–19. For the result of a recent (1924) inquiry addressed to 300 precinct officials and 6,000 other persons (4,000 women and 2,000 men) in Chicago, see C. E. Merriam and H. F. Gosnold, *Non-Voting: Causes and Methods of Control* (1924).

[2] W. T. Donaldson, "Compulsory Voting," *Nat. Mun. Rev.*, IV, 460–465 (1915).

by the death of near relatives or friends, as well as by unforeseen business developments—when due allowance is made for such justifiable absenteeism, the proportion of those who fail to vote from sheer indifference will probably be found to be much smaller than is commonly supposed.[1] It is open to grave doubt whether a law compelling this small indifferent class to vote would result in any appreciable improvement in political conditions. Very serious practical difficulties would also arise in the attempt to enforce any really effective compulsory-voting law, all of which may be avoided, and the vote of the non-indifferent absentees more easily and satisfactorily secured, by perfecting the absent-voting legislation which is now found in one form or another in practically all states.

The most noteworthy development in connection with the suffrage in recent years, both in the United States and abroad, has been the movement which culminated in the adoption of national woman suffrage in this country in 1920. Before that event, women had been granted equal voting rights with men in fifteen states;[2] and partial, suffrage, *e. g.*, for presidential electors or for statutory state and local officers, in a number of others. It was not until 1916, however, that woman suffrage figured prominently in a presidential campaign. In that year, the Republican, Democratic, and Progressive national conventions all adopted platforms expressing more or less emphatic approval of the extension of woman suffrage, if not by national law, at least by separate state action. Immediately after the conventions adjourned, Mr. Hughes, the Republican presiden-

Woman Suffrage.

In the Campaign of 1916.

[1] Further deductions should also be made for persons disqualified by various state laws, *e. g.*, paupers, convicts in prison, those who have failed to pay their taxes where that is a prerequisite, the illiterates where educational tests are in force, new arrivals who have not fulfilled the residence requirement, the insane and mentally defective, and negroes in the Southern states.

[2] These states were Wyoming (1869), Colorado (1893), Utah (1895), Idaho (1896), Washington (1910), California (1911), Kansas, Arizona, and Oregon (1912), Montana and Nevada (1914), New York (1917), Michigan, Oklahoma, and South Dakota (1918). Alaska had also granted equal suffrage to women in 1913.

tial nominee, came out unequivocally in favor of woman suffrage by means of an amendment to the federal Constitution. This declaration, in striking contrast to President Wilson's attitude at that time, resulted in the formal endorsement of the Republican candidate by the newly formed National Woman's party, followed by a vigorous campaign to enlist women voters in the suffrage states in support of Mr. Hughes. Apparently these efforts met with only indifferent success, however, for ten of the eleven woman-suffrage states were carried by President Wilson in the election which followed.[1]

The prominent part played by women everywhere during the World War hastened the final achievement of national woman suffrage in this country, and in England as well. In the summer of 1919, the Senate, by a narrow margin, gave the necessary two-thirds vote in favor of a proposed amendment to the federal Constitution, which had repeatedly passed the House of Representatives by large majorities.[2] The ratification of this, the Nineteenth Amendment, in August, 1920, enabled all women who possessed the qualifications prescribed by their respective states to vote for president and vice-president at the election held the following November.

QUESTIONS AND TOPICS

1. Suffrage qualifications in the American colonies. (See Beard, Bishop, Lalor, III, and McKinley.)

2. History of the disappearance of property qualifications for the suffrage. (See Beard, Lalor, and the general histories of the United States.)

3. The present law governing naturalization and the defects of the old law which have been remedied. (See Strong, Ellerbe.)

4. The regulations affecting the suffrage in the dependencies of the United States. (See Burch.)

5. Describe in detail the steps which a person must take in order to get his name upon the voting-list in your own state.

6. The registration law before the New York legislature in 1840 and Governor Seward's veto message. (See Seward's *Autobiography* and other biographies of Seward.)

[1] See *Literary Digest*, LIII, 444 (1916).

[2] This is commonly called the Susan B. Anthony amendment.

7. The extent and methods of fraudulent registration in New York City. (See Finch.)

8. Registration frauds in Philadelphia before the personal-registration law of 1906. (See Woodruff.)

9. The actual effect of educational and property qualifications upon the size and character of the negro vote. (See Haynes, Baker, Rose.)

10. With Hart's essay on "The Exercise of the Suffrage" as a guide, estimate from the census reports the number of legal and actual voters in the country as a whole and in your own state, in the presidential elections of 1912, 1916, and 1920; and also the probable number of indifferent voters.

11. State all the arguments you can for and against compulsory voting. (See Hart, Holls, Deeter.)

12. State all the arguments you can for and against woman suffrage.

13. Show that the woman-suffrage movement gained great headway in the United States, 1910–1920.

14. The woman-suffrage movement in Great Britain during the past decade.

15. Woman suffrage and its operation in New Zealand. (See Kennedy.)

16. Woman suffrage and its operation in Finland.

17. What is "multiple" or "plural" voting in England, and how does it affect the two principal parties? (See Lowell's *The Government of England*.)

18. What are some of the practical difficulties in the way of reducing a state's representation in Congress under the Fourteenth Amendment?

19. The opinion of the United States Supreme Court on the Oklahoma grandfather clause. (See Guinn and Beale *v.* U. S., 238 U. S., 347.)

20. How are registration boards appointed? What are their functions?

21. History of the granting of the suffrage to women in Illinois in 1913.

22. Effects of woman suffrage upon political conditions in Chicago. (See Abbott, Eckert.)

23. How many and what elective offices are held by women, according to the latest available reports? (See Campbell.)

24. What political and social reforms may fairly be credited to granting the suffrage to women? (See Creel.)

25. Has the adoption of the Nineteenth Amendment giving suffrage to women complicated the negro problem of the South? (See Weed.)

26. How did the proposed Shafroth-Palmer suffrage amendment to the Constitution differ from the "Susan B. Anthony amendment"?

27. Attitude of President Wilson and Congress toward woman suffrage, 1913–1916. (See *American Year Book*, Seawell.)

28. The National Woman's party in the campaign of 1916. (See *Literary Digest.*)

29. Methods, purposes and constitution of the National League of Women Voters.

30. What proportion of the population of the United States of voting age are classed as illiterate?

31. Make out as strong a case as you can for and against an educational test for voting.

32. How are the literacy tests for voting administered in Massachusetts, New York, and other states?

33. Prepare a report on the methods employed in Southern states to disfranchise negroes.

34. Write a brief history of the office of state superintendent of elections in New York, explaining the work done by the office and why the office was abolished.

35. Why are British women more successful than American in being elected to public offices, especially legislative bodies? (See Martin.)

36. Is it fair or unfair to say that national woman suffrage has proved a failure in the United States? (See *Literary Digest*, Madden, Russell.)

37. How do men and women compare in absenteeism from the polls at primaries and elections?

38. Compare the number of persons who fail to vote in different states and by geographical sections.

39. The purpose and methods of the National Get-out-the-Vote Club, organized in Washington, D. C., in 1924. (See *New York Times*, July 27, 1924, and *Literary Digest.*)

CHAPTER XIII

ELECTION OFFICERS. BALLOTS. VOTING-MACHINES. ABSENT-VOTING LAWS. NON-PARTISAN ELECTIONS. THE SHORT BALLOT. PREFERENTIAL VOTING. PROPORTIONAL REPRESENTATION

PROBABLY no kind of reading matter is more repellent to the average citizen than our election laws. They are always phrased with the traditional circumlocutions which make reading both slow and difficult. They include, moreover, an intricate maze of minute regulations applying to every stage of the nomination and election process, dealing with matters of which the voter is but dimly conscious, if aware at all, when he votes once or twice a year. These two characteristics combine to make the election laws of most states rather bulky volumes, and few citizens ever have the courage to study them.

Importance of Studying Election Laws.

Nevertheless, the general character and the detailed provisions of our election codes are matters of vital importance, for the ballot-box is about the only point of direct contact between the great majority of citizens and their government. However virtuous, public-spirited, conscientious, and well-intentioned a voter may be when he goes to the polls, these good qualities or intentions may be neutralized, even nullified, by poorly drawn and inadequate election laws, or by dishonest or incompetent election officers, or by a long and confusing ballot. Such uninspiring details, therefore, as the form of the ballot, the choice, qualifications, and duties of election officers, in fact, the provisions of election laws generally, are not to be passed over superciliously as the "mere mechanics" of popular government, for they are matters which pertain to the very essence of democratic government.[1]

The main points covered by election laws can best be ex-

[1] See "Outline of an Improved Method of Conducting Elections," *Nat. Mun. Rev.*, IX, 603–616 (1921).

plained by describing the work of the various election officers. The term "election officers," broadly interpreted, covers three classes of officials: (1) those in charge of the preparations for elections; (2) those in charge of polling-places during elections; and (3) canvassing and returning officials.

Election Officers.

Included in the first class are (*a*) the officials who have charge of the registration or enrolment of voters previous to primaries and elections; and (*b*) the officials who designate the polling-places, mark out the election precincts, appoint polling officials, prepare and distribute sample and official ballots and cards of instruction to voters, and advertise the time and place of primaries and elections; and also provide all the necessary equipment for polling-places. In the case of general elections, these preliminaries, except the registration of voters, are commonly attended to by county officials,[1] *e. g.*, boards of county supervisors or commissioners, as in Pennsylvania, Illinois, California, and numerous other states. Outside of New York City each county board in New York is required to appoint a county board of election commissioners, and a similar practice is found in other states. In a number of commonwealths state election boards have more or less general supervision over all matters connected with primaries and elections. For large cities, special election boards, operating independently of other local election authorities, are frequently found. In New York City for example, there is a bipartisan board, consisting of four commissioners of election, appointed by the board of aldermen, and having jurisdiction over all elections held in the five counties comprised in the city. It is an entirely independent body, not correlated in any way with any county department. In Illinois an optional "city elections act," passed in 1885, provided for the appointment of city boards of election commissioners by the county judge. The act applies only to Chicago and nine other cities which have accepted it; but in those cities, the county or city authorities have no direct connection with preparations for,

Those in Charge of Preparations for Primaries and Elections.

[1] In purely local elections it is customary to have these preliminaries looked after by some local board or official.

or conduct of, elections, such matters falling within the jurisdiction of the city election boards. In San Francisco there is a board of five, representing three political parties, appointed by the mayor. St. Louis has a "non-partisan" board of four members, appointed by the governor of the state with the approval of the senate. Detroit, under a recent charter amendment, has a commission consisting of the city clerk, corporation counsel, president of the civil service commission, the recorder, and the senior police justice, who, *ex officio*, serve as election commissioners without pay. In Omaha, under a comparatively recent (1913) statute, the management of elections, including preliminaries, has been placed in the hands of a single election commissioner, appointed by the governor for two years, subject to removal at any time for cause.

Few people realize the magnitude of the work of preparing for a general election in a large city, or even in a populous county. Some idea of the task, however, may be obtained from a summary of the work of the Chicago board of election commissioners. For the year 1924 these commissioners had to provide 2,121 polling-places; mark out the boundaries of an equal number of election precincts; appoint and pay over 10,600 polling officials; make arrangements for storing, hauling, and setting up over 12,500 polling-booths and curtains, 3,500 ballot-boxes, 10,000 canvas ballot-boxes, and 2,500 guard-rails; prepare and distribute 7,500 registration books, 15,000 poll-books, 25,000 tally-sheets, 20,000 statements of votes, 75,000 cards of instructions to voters, 2,600,000 printed lists of registered voters, 5,000,000 registration slips, 200 other printed forms ranging in number from 5,000 to 500,000, besides 14,000,000 ballots. In addition, the following supplies had to be purchased and distributed: 2,000 pounds of sealing-wax, 750 gross of pencils, 700 gross of penholders, 1,000 gross of pens, 10,500 pounds of wax candles, 500 gross bottles of ink, and 50,000 register seals.[1] The awarding of contracts for

Election Supplies in Chicago.

[1] In New York City in 1922 the number of polling-places was 2,810, and the number of ballots printed was 5,700,000. The official specifications for election supplies of all kinds include about 400 separate items, filling more than twenty printed pages 6 by 8 inches.

printing ballots, etc., and for other election supplies is a form of patronage the importance of which is well appreciated by local politicians all over the country; hence there is usually a warm contest in Chicago every four years over the election of the county judge, who largely controls this patronage through his power to appoint the board of election commissioners.

Polling Officials.

The second class of election officers comprises the officials in charge of polling-places. The number, titles, terms, and methods of selecting these officials vary a good deal from state to state, but they are almost always selected by appointment rather than by popular election, and on a bipartisan basis. In New York State one finds in every election precinct four inspectors of election, two poll-clerks and two ballot-clerks, divided equally between the two principal parties. In New York City these officials are appointed by the board of elections,[1] but in other cities by the mayor, from nominations made by the local Republican and Democratic committees. In the ten Illinois cities under the city elections act there are three judges and two clerks in each polling-place, appointed by the board of election commissioners. In Chicago two judges and one clerk represent the majority party and one judge and one clerk the minority party in each even-numbered precinct, while in odd-numbered precincts this apportionment is reversed. In other Illinois cities the polling officers are appointed by the city council for local elections, and by the board of county commissioners or supervisors for other elections. In each election precinct in California there is a "board of election," consisting of an inspector, two judges, and three clerks divided equally between the two principal parties, and appointed by the board of election commissioners in San Francisco, and elsewhere by the county board of supervisors.

In New York.

In Illinois.

In California.

Pennsylvania is one of the very few states in which polling officials are selected by popular vote. In each election district or precinct there is a "district election board" consisting of

[1] In New York City 52,141 polling officials were appointed in 1918.

one judge and two inspectors. Each voter is permitted to vote for one candidate for judge and one candidate for inspector only, the candidate having the highest vote for judge and the two having the highest vote for inspectors being declared elected. Each inspector may appoint one clerk. By restricting each voter's choice, it was expected that the minority party would be able to elect one inspector and have one clerk, but this intention has been defeated in many districts by the overwhelming strength of the dominant party. Popular election of polling officers in Pennsylvania has been far from satisfactory in many sections of the state, and unsuccessful efforts have been made to obtain a constitutional amendment substituting some method of appointment.

In Pennsylvania.

In Detroit, for some years preceding 1916, district election boards, consisting of six members, three from each of the two leading parties, were also elected at the primaries. Possessing the right to count the ballots cast at their own election, these bipartisan boards were able by fraud in some districts to maintain themselves in office almost indefinitely. To prevent the recurrence of such scandals, a charter amendment was adopted in 1916 creating the city election commission, described above, and empowering this commission to appoint three inspectors of election in each election district, selected by lot and without regard to party membership from carefully prepared lists of qualified citizens. The commission was also authorized to provide for the public examination of all applicants for the office of inspector, to make removals for fraud or incompetence, and to fill all vacancies. Under the new system in Omaha (1913) a deputy, appointed by the election commissioner, is in charge of each polling-place, assisted by appointed clerks.

In Detroit.

In Omaha.

In addition to the polling officials mentioned above, party organizations or individual candidates are permitted to appoint a certain number of challengers or watchers, or the same persons may serve in both capacities. Watchers are entitled to see everything that is done by the election officials, both at the casting and counting of

Watchers and Challengers.

the ballots. Challengers, as the name suggests, are present to prevent illegal voting. Police officers are also usually found in or near polling-places to maintain order.

Duties of Polling Officials.

The duties of polling officials are set forth in the election laws of the several states, and are essentially the same everywhere.[1] They check and record the names of voters as they appear to vote, and have the custody of the ballots and ballot-boxes while voting is going on; in some states they assist voters who are unable to mark their ballots, and they pass in the first instance upon challenges. They are also often given special police powers to enable them to maintain order in the polling-place, while in Chicago they are made officers of the county court, so that any misconduct on their part may be dealt with under summary contempt proceedings.[2]

Qualifications of Polling Officers.

A composite list of the qualifications required of polling officials as set forth in some of the state laws would read somewhat as follows: They must be householders, citizens of the United States, entitled to vote, "men of good character and repute," able to speak, read, and write the English language, "skilled in the four fundamental rules of arithmetic," of "good understanding and capable"; they must not hold any other office under the federal, state, or local government; they may not become candidates for office at the next election. For the satisfactory performance of their duties, polling officers should not only be honest and of average education and intelligence, but should also be required to pass some sort of test to demonstrate their familiarity with the provisions of the election laws, particularly those sections which relate to suffrage qualifications and registration, to challenges, and to the marking and counting of ballots. Over four and a half million errors and omissions were discovered in the registration and

[1] In most places the duty of conducting the registration of voters and revising voting lists is also imposed upon the regular precinct polling officers.

[2] The effectiveness of this device, however, has been greatly impaired at times by having judges of other courts release, upon habeas corpus proceedings, election officials who have been given jail sentences by the county judge because of their corrupt or fraudulent practices.

poll-books of the cities of New York State in 1914. Some of these mistakes were more or less technical in their nature, but in many instances the evidence of gross carelessness was so pronounced and serious as to indicate clearly disregard for, and violation of, the spirit and the letter of the law.

Yet aside from the preparation of small instruction circulars or pamphlets, and their distribution a few hours before an election, few, if any, states make adequate provision for securing properly qualified election officials. The appointments are, in practice in many places, distributed by local politicians among their henchmen as political favors, and sometimes for sinister purposes; seldom with any regard to the technical requirements of the office.[1] Cases are known in Chicago, for example, where thugs and crooks of one kind or another have purposely been placed in charge of the election machinery in certain precincts in order to facilitate fraudulent voting and the making of false election returns. Investigations of the primary election in 1922 brought to light an astonishing number of instances in which precinct returns had been deliberately falsified by unscrupulous polling officials. Votes greatly in excess of the number actually cast were reported for the candidates of one faction, while candidates of the opposing faction either were not credited with any votes, or else were reported as having received a much smaller number than the recount proved actually to have been cast. In New York City it has been charged, in recent years, that even the minimum legal qualifications for polling officials have been grossly ignored in the interest of political organizations; and that when an examination has been required, it has generally been conducted in a superficial and perfunctory manner. New Jersey, on the other hand, stands out as perhaps the only state which has ever required persons nominated for polling positions to pass an examination, conducted in each county by the state civil service commission, designed to bring out their familiarity with, or ignorance of, the election law.[2] Wider adop-

[1] Polling officials in Chicago in 1915 came from nearly 700 different occupations or callings.

[2] Unfortunately this law, enacted in 1911, is no longer in force.

tion of some such examination system, while involving an immense amount of work in large places, is, nevertheless, a sorely needed reform, and one that would tend to insure a fairer administration of election laws and a more accurate recording and determination of election results.

Canvassing and Returning Officers.

The third class of election officials comprises canvassing and returning officers. When the polls close, the ballots are first counted, or "canvassed," at the polling-place by the judges or inspectors in charge. Some election laws, for example those of Oregon,[1] Illinois, and New York, prescribe with great minuteness the method of conducting the count, which, in practically all places, must proceed without intermission until completed. This not infrequently takes many hours, and subjects the officials to a severe physical strain. In some states the counting is done publicly, as in New York; in other places it is done only in the presence of the polling officers. Tally-sheets are provided to facilitate the count, and are preserved as a part of the record of the election. Upon completion of the count, all ballots, used and unused, spoiled and defective, together with the polling-books and tally-sheets, are placed in sealed packages or in sealed ballot-boxes and carefully preserved and guarded for a specified period after the election, and then are destroyed.

Need for Double Election Boards.

Undoubtedly many, if not most, of the errors which occur in connection with the counting of ballots and filling out return blanks are due to the fact that the most arduous part of the work of polling officials comes at the close of the polls. Counting the ballots is not only the most laborious part of their duties, but the most

[1] In meticulous regulation of the counting process, Oregon has perhaps gone further than any other state. During the count, "no one of the (election) board shall be allowed to have at or in his hand any pencil or pen of any kind, except the clerks keeping the official tally-sheets and the second judge engaged in numbering and signing his name on the back of each ballot after it is counted and handed to him; and the clerks and second judge shall have and use only pen and ink. All extra pens and pencils shall be removed from the place where the count is being conducted," except those which are being used by duly appointed watchers outside the guard-rail, who are permitted to keep private tally.

important part as well; and the public interest demands that, in large places at least, it should be performed by a fresh staff of canvassers. A high degree of efficiency can hardly be expected from officials who have already served ten or more hours continuously at the polls.[1]

Thus far, however, our states have been slow to recognize this situation and take steps to improve matters, although some noteworthy progress has been made. San Francisco, for example, adopted an important innovation in 1916 under which the counting of ballots is no longer done at the polls by weary polling officials; instead, the ballot-boxes are all conveyed to the office of the registrar of voters, and there, under his supervision, are publicly counted, precinct by precinct, by "competent persons" specially selected for this task.[2] Shortly thereafter laws were enacted in Kansas, Nebraska, West Virginia, New York, and Iowa creating double or supplementary election boards. In the larger precincts in the first three states,[3] provision has been made for two election boards, one designated as the receiving board, and the other as the counting board. The former attends to the delivery of ballots to voters, checking names, etc., and has general charge of the polls during voting. The counting board proceeds to the polls four hours after voting begins, and immediately commences to count and tabulate the ballots already cast; meanwhile the receiving board continues to receive the votes of electors until the polls close. A double set of ballot-boxes is provided so that voting and counting may

[1] Moreover, in the majority of cases in Chicago, election frauds have been perpetrated after the voting was over and the polls had closed. It has then often happened that, in utter disregard of the law, other persons than the regular polling officials have taken part in the count and in the handling of the ballots. It is therefore even more important to watch the polls then and to have them in charge of honest and thoroughly efficient persons than while voting is going on.

[2] In 1921 the right to adopt this central counting system was granted to any city or county in California. *General Election Laws of California* (1922), § 1252 (*a*).

[3] *Laws of Kansas, 1917*, Ch. 179; *Laws of Nebraska, 1917*, Ch. 32; *Acts of West Virginia, 1917*, Ch. 37; *Consolidated Laws of New York* (1918), Ch. 17, §§ 302, 366-*a*. *Supplement to the Compiled Code of Iowa*, Ch. 7-A (1921).

go on simultaneously. After the polls close, the receiving board assists in completing the count. The New York law authorizes the appointment of four additional inspectors of election in New York City precincts, called "canvassing inspectors." Their duties do not begin until the polls close, and then they have complete charge of the count and of making returns, the other polling officials taking no part in the count.[1]

Canvassing the Returns.

When the result of the vote in a precinct has been ascertained, the return blanks are made out in duplicate or triplicate, the judges or inspectors of election entering the exact number of votes received by each candidate and signing the returns, which are immediately transmitted to some higher canvassing body.[2] This canvassing body, in counties lying wholly within New York City, consists of the members of the board of aldermen for that county. In Chicago, and nine other Illinois cities, the board of election commissioners canvass primary returns, while election returns are canvassed by this board with the addition of the county judge and corporation counsel. In other places in Illinois the returns for general elections are canvassed by the county clerk in each county with the assistance of two justices of the peace, and the returns for municipal elections are canvassed by the city councils. In California the returns are sent to the board of county supervisors, which serves as the canvassing body in that state. In Pennsylvania the judges of the court of common pleas in each county serve in a like capacity.

However constituted, these local canvassing boards meet on a day fixed by law, go over the returns from the subdivisions over which they have jurisdiction, and add up the figures reported for each candidate by the several precinct polling officials; and then the result, in the case of candidates for state and national offices, is reported to some state official, commonly the secretary of state, who, in turn, may be required to transmit

[1] See New York Board of Elections *Annual Report, 1918*, pp. 13–14, 170–173.

[2] See G. Mygatt, "Counting the City's Vote," *Outlook*, CV, 535–541 (1913).

these returns to a state canvassing board. In the case of county and other local officials, the result is certified to the county, city, or town clerk, as the case may be.

The state canvassing board is usually an *ex officio* body. In New York it consists of the secretary of state, the attorney-general, the comptroller, the state engineer and surveyor, and the state treasurer. In Illinois the board comprises the governor, secretary of state, auditor, treasurer, and attorney-general. The proceedings of all these canvassing boards are minutely regulated by law. The last stage is reached when the canvassing bodies have filed their reports with the officials designated by law, usually the county clerk in the case of county, city, and township offices, and the secretary of state in the case of higher offices. Thereupon those officials respectively issue to the person declared to be elected a "certificate of election," which is prima facie evidence of the legal right of the person named therein to hold the office and perform the duties connected therewith.[1]

Polling-Places.

The number of polling-places—or polls, as they are commonly called in this country—of course varies with the size of the community. In the largest cities there is usually one polling-place for every three or four hundred voters: in Chicago there are 2,121 (1924), and in New York City there were 2,769 in 1923. Each polling-place must be kept open for voting purposes a certain number of hours fixed by law. Persons are frequently permitted by law to be absent from their regular employment for a brief period, commonly two hours, for the purpose of going to the polls, without any reduction in pay. The equipment of polling-places with booths, ballot-boxes, guard-rails, curtains, etc., is all specified in great detail in the election laws. The opening and closing of the polls are sometimes, for example, in Pennsylvania, attended with some slight formality, such as the making of a proclamation by the presiding officer.

The selection or designation of polling-places is supposed to

[1] Election laws also prescribe in great detail the procedure to be followed in contested election cases.

form a part of the duties of the election officers who have charge of the other election preliminaries, *e. g.*, the local election board, the city council or mayor, or some county board or official. But in some places, particularly the large cities, these officials do not have a free hand, for there the selection has become an important form of patronage, or spoils, controlled by the two leading parties. This is true of New York City, where the polling-places in even-numbered election districts are in fact selected by Republican assembly district leaders, and the places in the odd-numbered districts are designated by the Democratic assembly district leaders.

Selection.

The proper location of polling-places is an important, though often neglected, point connected with our election system. Such places ought to be easily accessible and to combine large floor-space, ample light and ventilation, and ease of ingress and egress; and with that end in view the statutes of New York prescribe certain minimum requirements to be considered in selecting the polls. In New York City, however, it is claimed, scant attention has, in the recent past, been paid to such statutory prescriptions, almost any place being accepted, however inadequate, if recommended by the district leader. Thus, in 1914, over 400 barber-shops were used, besides pool-rooms, noodle-shops, bakeries, butcher-shops, fish-markets, laundries, basements, and blacksmith-shops. New York, however, is far from being the only offender in this respect; the foregoing list of voting-places could be almost duplicated in any of our larger cities.

Within the past decade, and in part as a result of the enfranchisement of women, for whom voting in a barber-shop or pool-room possesses no irresistible attraction, a strong movement has developed for the location of polling-places in schoolhouses and other public buildings, such as city halls, public libraries, armories, police and fire stations, so far as public convenience will admit of their use for such purposes; also such semi-public buildings as churches, city clubs, and social settlements. The advantages claimed for such polling-places are an improved environment, more

Use of Public Buildings.

comfortable quarters for the election officers, greater accessibility for the voters, less frequent changes in location, elimination of patronage and graft in selecting polling-places, a saving in the amount paid for rental of private places; and, where schoolhouses are used and schools are in session on election day, the opportunity to give pupils an object-lesson in practical civics.

Among the cities which may be regarded as pioneers in utilizing public buildings for voting purposes are Worcester, Mass., Boston, Chicago, Grand Rapids, Madison, Wis., Milwaukee, Los Angeles, and Salt Lake City. Efforts in New York City to obtain the prerequisite legislation from the state legislature in 1914, although backed by the recommendations of the election board, the board of education, and numerous civic organizations, nevertheless failed, largely because of "the clamors of small shop-owners," whose shops were rented as polling-places, and whose revenue from this source would be cut off with the general use of public buildings. In 1915, however, the effort was renewed, and this time met with success.[1]

Ballot Legislation.

State election laws not only cover such points as the registration of voters, the appointment and duties of various classes of election officers, and the selection of polling-places, but also usually include elaborate regulations concerning the form, printing, and distribution of the ballots used in primaries and elections; and they also always indicate the steps to be taken when a nomination or an election is to be contested in the courts.[2]

The Australian Ballot.

Before 1888 the printing of ballots and their distribution to the voters were left to private initiative. There were a few statutes regulating the size, color, form, etc., chiefly designed to produce uniformity within single states. In actual practice the ballots were printed

[1] In 1922 New York City used for voting purposes 512 school-buildings, 21 other public buildings, 81 churches, and 55 portable street-booths. In 1923, 1,214 polling-places were located in 519 public schools.

[2] Practically all legislative bodies in this country are made the judges of the qualifications and elections of their own members; hence such contested election cases seldom if ever get into the courts.

and distributed by the several party organizations or candidates.[1] The lack of secrecy in voting, the facility for bribery, and the numerous opportunities for fraud, as well as the expense of printing, finally led to the adoption of the so-called Australian ballot. The first Australian ballot law in the United States was adopted by the legislature of Kentucky in February, 1888, but it applied only to municipal elections in Louisville. The same year Massachusetts adopted the Australian ballot for all elections, and by the presidential election of 1892 no less than thirty-two states had adopted it; while by 1924 it had been adopted by all but South Carolina.

The principal features of the Australian ballot system are the following:

Main Features of Australian Ballot System.

(1) All ballots are printed under the supervision of public officials, at public expense, and are transmitted by these officials to the different polling places a certain number of hours before election.

(2) The names of all candidates duly nominated by any political party or independent group are usually printed on a single sheet having an official indorsement on the back, to prevent counterfeiting. When national, state, and local officials are elected on the same day, some states require the printing of separate ballots, one bearing the name of presidential electors, another the names of candidates for congressional and state offices, and a third the names of candidates for local offices. And when constitutional amendments or other referenda measures are also submitted at such elections, it is not uncommon to find them printed on a fourth ballot, often called the "little" ballot. So it may happen that a voter upon entering the polling-place will find as many as four separate ballots placed in his hands.

(3) A voter can secure a ballot only from the regular election

[1] See E. C. Evans, *A History of the Australian Ballot System in the United States* (1917), Ch. I. Georgia is the latest state to authorize the Australian ballot (party-column type with the party circle or square omitted). Whether the law shall take effect in any county (beginning 1924) depends upon the favorable recommendation of two successive grand juries. *Georgia Laws, 1922*, No. 530.

INSTRUCTIONS TO VOTERS.

Read these words *CAREFULLY.* Go to the guard rail. A ballot marked *WRONG* is not counted.

GIVE your NAME
and RESIDENCE
to the Ballot Clerk.

WAIT till your name is repeated
by the Ballot Clerk.

GO INSIDE the guard rail.
Get your ballot
from the Ballot Clerk.

DO NOT LEAVE the polling place
NOR go outside the rail
UNTIL YOU HAVE VOTED.

GO TO A BOOTH
not occupied by another person.
Go alone.
Go at once.

MARK your Ballot
WITH A CROSS
IN THE SQUARE
at the TOP
of a list to vote for ALL
the candidates in that list. [X]

OR WITH A CROSS
IN THE SQUARE
AT THE RIGHT
OF THE NAME
of any one or more candidates,
to vote for one or more. [X]

OR WITH A CROSS
IN THE SQUARE
at the RIGHT OF THE BLANK LINE.
_____ [X]
_____
and write the name of your candidate,
to vote for any other person.

ERASE NO NAMES.

Make No Other Marks.

FOLD your Ballot
BEFORE LEAVING THE BOOTH,
WITH THE MARKS INSIDE.

KEEP IT FOLDED till you deliver it;
DO NOT ALLOW YOUR BALLOT
TO BE SEEN.

Give it to Presiding Officer.
Go Outside the Rail.
Do not Enter again.

Do not destroy a ballot.
Do not take away a ballot.
Do not occupy a Booth
over FIVE MINUTES.

If you do not use your ballot,
give it to the
Presiding Officer.

IF YOU SPOIL A BALLOT, give it back to the Ballot Clerk and get another. If you spoil the second, give it back and get a third. You can have no more.

IF YOU DECLARE TO THE Presiding Officer that you cannot mark your ballot by reason of physical or mental disability, and request him, he will direct you to the booth where one of the Assisting Clerks will assist you in marking your ballot.

A HELPFUL CARD OF INSTRUCTIONS TO VOTERS

officials after entering the polling-place on election day,[1] and after having properly complied with all the preliminary registration requirements. Sample ballots, on colored paper, are usually provided in sufficient quantities so that voters may become familiar with the names on the ballot before entering the polling-place. Such sample ballots are always posted in or near the polls or in other public places, and are frequently distributed by party workers. In case a voter spoils his ballot he may return it to the election officer, who cancels it, and thereupon gives the voter a new ballot. Usually a voter is limited to three ballots.

(4) *Cards of instruction* containing directions for marking a ballot, and other cards containing the penalties for infraction of the election laws, are often posted not only in and about the polls, but conspicuously in other places, a certain number of days before a primary or an election. By an ingenious use of different sizes of type and short, crisp sentences such cards of instruction may be made quickly readable and easily understood by voters of average intelligence. In most cases, however, these cards seem designed not primarily for the guidance of the voter, but merely to comply with the letter of the law.

(5) Ballots must be marked in absolute secrecy inside the voting-booths with which every polling-place is equipped. Having marked his ballot, the voter is required to fold it so that all the marks shall be concealed, and either to deposit it himself in the ballot-box or hand it to the officer in charge for deposit; this done, the voter is expected to leave the polling-place at once. Australian ballot laws all provide that a voter shall not place any mark upon his ballot by which it may be identified.[2] In New York ballots found to have marks upon them which seem intended for the identification of the voter are excluded from the final count. In New York City, and perhaps other places, the

Secrecy the Most Important Feature.

[1] Except in Delaware where the "envelope" ballot, described below, is in use.

[2] See C. S. Hartwell, "Fraud by Marked Ballots," *Outlook*, LXXV, 656 (1903).

party watchers at the polls are provided with little books describing the various combinations of marks which may and may not be counted, and many cases arise in which determination is a difficult matter.[1] In the ballot proposed by the united reform organizations of New York City some years ago an effort was made to do away with the great opportunity afforded by the Australian ballot for identification, by reducing the required marking to the mere blackening of a small white circle opposite each name.[2]

To remove all possibility of identification marks and of having ballots thrown out because of improper marking, the substitution of voting-machines for the ordinary paper ballot has been authorized in the constitutions of some half-dozen states and by statute in nearly a dozen others.[3] The use of voting-machines, however, is not made compulsory for all subdivisions of any state, but their adoption is commonly left optional with the local authorities, or is decided by a referendum.

Voting-Machines.

To regulate the adoption and use of satisfactory machines, the statutes of Illinois and New York, for example, provide for the appointment by the governor of a board of voting-machine commissioners. In Illinois the board is appointed for four years, and consists of the secretary of state and two other persons, "mechanical experts and not members of the same political party," nor pecuniarily interested in any voting-machine. In New York the board consists of three commissioners appointed for five years, one of whom must be "an expert in patent law," and two who are "mechanical experts." Only machines which have been approved by these state boards may be adopted by the local authorities.

The statutes creating voting-machine boards generally pre-

[1] P. L. Allen, *Pol. Sci. Quar.*, XXI, 38 (1906).

[2] W. B. Shaw, *Outlook*, LXXXI, 868 (1903).

[3] In 1921 California, Colorado, and Rhode Island repealed laws authorizing the use of voting-machines. *Am. Pol. Sci. Rev.*, XVI, 462 (1922). In 1923 the California legislature again legalized their use, and in the November election that year machines were used in 50 of the 604 precincts in San Francisco. *Laws of 1923*, Ch. 96; *Nat. Mun. Rev.*, XIII, 50 (1924).

scribe certain standards or specifications with which the machines must comply before adoption can be authorized. The Wisconsin law, for example, requires (*a*) that a machine must be so constructed that it cannot be tampered with or manipulated for fraudulent purposes; (*b*) that during the process of voting no one shall be able to tell the number of votes received by any candidate; (*c*) that the voter shall be able to vote a straight or split ticket, or for any candidate he chooses; (*d*) that no voter shall be able to vote for more than one candidate for the same office; (*e*) that any voter shall be able to vote for or against any proposition or measure submitted; (*f*) that the names of presidential and vice-presidential candidates and of presidential electors shall appear and may be voted for as a whole. The Illinois law imposes the additional requirement that the machines must be so constructed that "each elector can understandingly, and within the period of one minute, cast his ballot for all the candidates of his choice." [1]

Merits and Defects of Machines.

The chief advantages claimed for voting-machines over paper ballots may be summarized as follows: the result of an election is known sooner than when paper ballots are used, for the totals are recorded automatically as the voting proceeds; errors made by election officials in counting paper ballots are eliminated; there is no possibility of casting a defective ballot nor of using identification marks; votes can be cast more rapidly, hence more voters can be accommodated in a given period. This, it is claimed, will materially diminish the cost of elections by reducing the number of polling-places. On the other hand, it is asserted that voting-machines are expensive and represent too heavy an investment for a community to make in something to be used only a very few times a year; and that not only are such machines costly at the start, but their upkeep is expensive. Furthermore, with only

[1] The failure of certain machines to meet this last requirement resulted in a decision of the Illinois Supreme Court in 1912 which put an end to their use in Chicago. People, *ex rel.* Hull *v.* Taylor 257 Ill., 192–198 (1912). A great amount of information concerning voting-machines may be found in the voluminous report of the Illinois Legislative Commission, *Chicago Voting-Machine Investigation* (1915).

one voting-machine to a precinct, which is the usual allotment, they do not save the voter's time, as is shown by the experience of certain New York cities where previously there had been, on the average, four voting-booths in each polling-place. As the New York City Board of Elections expressed it: "The voting-machine enables one to vote twice as quickly as under the older method, but it takes twice as long to reach the machine as it does to reach the voting-booth."[1] In Utica and Rochester it is said to be not uncommon to see from thirty to sixty persons standing in line waiting to vote. To avoid this sort of thing by installing more machines only adds to the cost, whereupon the economy claimed for the system begins to disappear. Moreover, inability on the part of the voter to see his vote actually recorded prejudices some people against machines. The time allotted to each voter in using the machine being limited, many voters are said to become confused, and do not vote as they had intended. But the most serious objection of all is that voting-machines may be tampered with and "doctored" for fraudulent purposes. A committee of mechanical experts in Chicago, when the adoption of voting-machines was under consideration there some years ago, reported that they found the voter could beat the machine under normal conditions in five different ways and the election officers in three more.[2] The use of an inconspicuous rubber band in some of the precincts of Indianapolis prevented the recording of certain votes for president in 1908. Ballots cast on a machine cannot be examined and recounted; only a new election can correct a wrong. It not infrequently happens that machines fail to operate perfectly, so that cities have had to report a considerable number of "lost" votes.

As matter of fact the success or failure of voting-machines is largely a matter of opinion, and opinions vary greatly from place to place. At all events, the adoption of machines, since they were first used in Rochester, N. Y., in 1898, has not proceeded very rapidly. By 1915 there were only about 1,100

[1] New York City Board of Elections, *Annual Report, 1915*, pp. 19–21.

[2] *Preliminary Report on Voting-Machines*, by the committee on elections and election laws of the City Club of New York (pamphlet, 1917), p. 4.

machines in use in New York State, scattered through thirty-two counties, the largest cities using them at that date being Buffalo and Troy; but even in those places, machines were used in only a portion of the election precincts. More recently, however, steps have been taken for their gradual introduction into New York City, Buffalo, and Rochester, and they are now extensively used in those cities.[1]

"Assistance" Clauses.

(6) Many, if not all, of the Australian ballot laws include provisions whereby voters who declare their inability to mark their ballots themselves may receive assistance. Some states wisely require the voter to make oath to his inability to read the names on the ballot, or that he is physically unable to mark his ballot, before he is permitted to receive the assistance of one or more of the sworn and responsible election officers. If these officers are honest, this requirement leaves comparatively little opportunity for the entrance of corrupt influences. Quite the reverse, however, is true where there are lax provisions respecting assistance, such as appear, for example, in the law of Pennsylvania. There, if a voter merely "*declares* to the judge of election that, by reason of any disability, he desires assistance in the preparation of his ballot," he may select, not one of the sworn election officers, but *any qualified voter* of his precinct to aid him in marking his ballot in the voting-booth. The door thus opened for the vendor and vendee of votes to get together and carry out a corrupt bargain to their mutual satisfaction is too obvious to require demonstration.[2] The safest kind of an assistance clause would,

[1] The law of 1921, as subsequently amended, made it obligatory upon cities of the first class to install voting-machines in fifteen per cent of their polling-places before the general election of 1922, in forty per cent before the general election of 1923, and by the general election of 1924 machines must be in use in all polling-places.

[2] In the Philadelphia election of 1909 evidence was collected which showed that not less than 38,000 ballots had been marked by some person other than the voter. See C. R. Woodruff, *Nat. Mun. Rev.*, V, 615–616 (1916). The Pennsylvania direct primary law requires the oath mentioned in the text before assistance can be rendered. In Detroit as many as seventy-five per cent of the voters in some precincts have been assisted in recent elections. For other instances of the flagrant misuse of the assistance clause, especially in Delaware, see G. Kennan, *Outlook*, LXXIII, 432 (1903).

of course, be one which prohibited the giving of assistance to any voter unless he is blind or has lost the use of both hands. This would effectually close the door to this form of electoral corruption, although it would, at the same time, place the illiterate voter under a serious handicap.

The "Envelope" Ballot.

One remedy devised to correct the "assistance evils" is known as the "envelope" ballot, for use in both primary and general elections. The principal features of this system are, first, the preparation, at the public expense, of official ballots containing the names of the candidates of all parties, to be ready for distribution a certain number of days before primaries or elections. A specified proportion of these ballots for each party is delivered to the judges of election in each district, to be given at the polls to any qualified voter on election day. The rest of the ballots are delivered before the day of election to the agents of the parties or organizations making nominations. The party agents immediately distribute the ballots to the voters, who are thus enabled to prepare their ballots at home at their leisure. On election day the voter may do one of three things: he may take with him to the polls the ballot which he has previously marked elsewhere; he may bring his ballot to the polls unmarked and mark it in the voting-booth; or he may receive and mark an entirely new ballot at the polls. In any event, he encloses his marked ballot in a sealed envelope before depositing it in the ballot-box, and of course may not cast more than one ballot. The only assistance permitted to voters at the polls is when they establish the fact that they are physically unable to mark their ballots.[1]

Such a system undoubtedly reduces to a minimum the occasions for rendering assistance to voters at the polls; whatever help illiterates may need must be obtained elsewhere. Furthermore, if a voter wishes to mark his ballot with the greatest as-

[1] This system was in operation in New Jersey for some time prior to 1912. On one occasion several thousand ballots sent out through the mails were returned because the addressees could not be located, and in this way thousands of illegal registrations were detected. In 1912 the law was changed, so as to require the mailing of sample ballots only, and a similar requirement is also found in California, Nebraska, Ohio, Oregon, and Washington. Delaware adopted the envelope ballot in 1913.

surance of secrecy, the envelope system described above seems to hold out the opportunity to do so; and perhaps some voters would thus be encouraged to vote more independently than they customarily do. On the other hand, some objectors to the envelope-ballot system insist that so far from being a remedy for assistance evils, it substantially invites complete assistance and would increase those evils many times over. "Its practical operation," it is urged, "would be that every division worker would put the ballot of his party into the hands of every voter who was in any way under his influence, and would make reasonably sure that the voter had no other ballot about him when he entered the voting-booth, and then the voter would presumably not dare to do anything but put that particular ballot into the envelope." Thus, instead of increasing the secrecy surrounding the ballot, it is claimed the envelope system would present great opportunities for the violation of this secrecy, and would open an easy way to bring about bribery of voters and for the identification of ballots.

(7) All but four states[1] at the present time (1924) have made provision by law whereby certain classes of voters who are unable to appear in person at the polls on primary or election day may cast their ballots in advance of the primary or election, or else may vote *in absentia*. Such laws are known as absent-voting laws.

Absent-Voting Laws.

Few reforms connected with our election system have spread so rapidly and have attracted so little public attention as the enactment of these laws which put an end to the virtual disfranchisement of thousands of intelligent citizens who, for one good reason or another, could not appear *in person* at their precinct polling-places on the day of a primary or an election. Comprised in the classes which have been most benefited by absent-voting laws are commercial travellers or travelling salesmen, whose ordinary business takes them away from home at

[1] Connecticut, Georgia, South Carolina, and Kentucky. An absent-voting law was passed in Kentucky in 1918, but was held by the state supreme court to be repugnant to section 147 of the state constitution. Clark *v.* Nash, Lyon *v.* Nash, 192 Ky. 594 (1921).

election time; engineers and contractors engaged on work at some distance from their election districts; sailors and fishermen; railway and steamship employees, especially those engaged in the movement of trains and boats; state officials whose duties require their presence at the state capital; and other state officials, like inspectors of mines and factories, whose duties require extensive travelling throughout the state; federal officials in the departments at Washington[1] or in other places far removed from their voting districts; college and university students, among whom there are probably many hundreds of voters in great states like New York, Pennsylvania, and Illinois, who usually are not permitted to vote in the college or university town; also a very large number of persons unexpectedly obliged, by the death of relatives or friends, or by unforeseen business developments, to leave home on the eve of an election; and, finally, persons engaged in the national or state military service.

Indeed, the earliest of all our state absent-voting laws were exclusively for the benefit of the last-named class, and date back to the Civil War period. A number of states at that time passed laws which permitted "voting in the field," as it was then called, by their citizens who were serving with the federal army;[2] and at least two such early laws are still on the statute-books.[3] The period of the World War brought forth a large number of such laws for the benefit of voters in military encampments in this country or engaged in overseas service. A few of these laws have since expired by self-limitation, but the rest are still in effect. A few states extend the privilege of voting *in absentia* only to persons in the military or naval service; others restrict the privilege to civilians; while a third group of laws, either expressly or impliedly, covers both classes of absentees.

Scope of Absent-Voting Laws.

[1] The Washington *Evening Star* for November 8, 1922, reported that 40,000 government officials and employees took advantage of the absent-voting laws of their respective states and voted by mail in the congressional and state elections of 1922. In New York City 814 absent-voter ballots were counted in 1920, 188 in 1921, and 329 in 1922.

[2] J. H. Benton, *Voting in the Field* (1915).

[3] Maine and Pennsylvania laws of 1864.

The earliest civilian absent-voting law appears to have been passed in Vermont in 1896.[1] Five years later Kansas passed an act which enabled a single class of civilian absentees, namely, railway employees, to vote by mail. This statute attracted practically no attention until its scope was broadened in 1911 by an amendment which extended the privilege of voting by mail to "any qualified elector" absent from his usual voting-place by reason of his occupation or business. If a Kansas voter is absent from his regular voting-place on the day of a *general election*, he may present himself during voting hours at a polling-place in the place where he temporarily happens to be and there sign an affidavit before the election officers. In this affidavit the voter makes oath to the fact that he is a properly qualified voter of..... district in ..... county; that by reason of his occupation or business as ..... he is required to be absent from his regular voting district, and that he has not voted elsewhere at this election. The absent voter is then given a ballot such as is used in that place and is permitted to enter a voting-booth and there to mark his ballot. The ballot is then folded with the marks concealed, indorsed by an election official as "the ballot of A. B., an absent voter of ..... district in ..... county," and placed along with the affidavit in an envelope, which is sealed, directed, and sent by mail to the proper official in the absent voter's home county. There, at the appointed time for canvassing the votes, it is opened and counted before the result of the official canvass is declared. The canvassing officials are forbidden, under severe penalties, to disclose how the absent voter marked his ballot.

Kansas Law.

It will be observed that the Kansas type of law restricts absent voting to persons who are within the state on the day of a general election; voting from points outside the state is not

[1] The Vermont law simply provided that a legal voter might vote for the principal state and national officers in any town or congressional district in the state, if he brought with him a certificate from his town authorities that he was a qualified voter. This law has since been replaced by a more detailed statute modelled upon the North Dakota (1913) type of law. *Laws of Vermont, 1919*, No. 7; *ibid., 1921*, No. 4.

authorized. Furthermore, inasmuch as the list of candidates for county and other local offices of course varies from county to county, the absent voter is virtually restricted to voting for candidates for state and national offices, unless he happens to remember, or has provided himself with a list of the candidates for other offices in his home county. If he is prepared in some such way, he may, of course, write in the names of the candidates he favors in the blank spaces on the ballot provided for that purpose; few voters, however, are likely to take that amount of trouble. It should also be noted that the ballots cast under the Kansas system are not counted at the polls on election day, but several days afterward, when the official canvass takes place.

Defects.

But the chief defect in the Kansas law is that it fails to insure the secrecy of the ballot, for it is apparent that the identity of each absent voter and the way in which he marks his ballot must necessarily be known at least to the canvassing officials. This does not, however, invalidate the system, since there is no constitutional provision in Kansas and most of the other states having this type of law which requires a secret ballot. The constitutions of North Dakota and many other states, on the other hand, specifically lay down that requirement. Consequently, in enacting absent-voting legislation, those states have been obliged to devise ingenious provisions whereby absentees may exercise the right to vote and, at the same time, have the secrecy of their ballots adequately safeguarded.

The North Dakota law of 1913 is a good example of the absent-voting legislation now found in a large majority of the states.[1] Any fully qualified North Dakota voter who expects

[1] For summaries of absent-voting legislation of both the Kansas and North Dakota type, and also of military absent-voting laws, see *Am. Pol. Sci. Rev.*, VIII, 442–445 (1914); X, 114–115 (1916); XI, 116–117 (1917); *ibid.*, 320–322 (1917); XII, 251–261 (1918); *ibid.*, 461–469 (1918); XIII, 269–270 (1919); XVI, 463 (1922); and XVIII, 321–325 (1924).

Some method of voting *in absentia*, or in anticipation of absence, is in operation in Australia, New Zealand, Ontario, Norway, and some of the Swiss cantons. See *Nat. Mun. Rev.*, III, 733 (1914); *Am. Pol. Sci. Rev.*, XII, 296–300 (1918).

On the constitutionality of absent-voting laws, see *Am. Pol. Sci. Rev.*, XI, 764–765 (1916); XV, 408–409 (1921).

to be absent from his county on the day of a *primary or general election* may apply to the county auditor within thirty days preceding the election for "an official absent-voter ballot" to be voted at such election. These ballots are of the same size, form, and "texture" as the regular official ballots, except that they are printed upon "tinted paper of a tint different from that of the sample ballots." Upon receipt of the proper application the county auditor is required to transmit or deliver to the voter one of these absent-voter ballots, together with a return envelope addressed to the county auditor. The absent voter may mark his ballot at any time prior to the close of the polls on election day, but marking is surrounded by certain formalities. The voter must go before some official having a seal and authority to administer oaths, must exhibit to that official his unmarked ballot and the envelope, and must make oath to the affidavit printed on the back of the envelope that he is a properly qualified voter, and will have no opportunity to cast his ballot in person. Then, in the presence of the magistrate and "no other person," the voter marks his ballot, "but in such manner that such officer cannot see the vote," folds the ballot with the marks concealed, and encloses it in the envelope, which is securely sealed. The magistrate certifies underneath the affidavit on the envelope that all of these formalities have been complied with; after which the ballot is sent by mail to the county auditor, who is required to transmit the ballot and the voter's application therefor to the judge or inspector of election in the voter's home precinct, so that they arrive there before the polls close on election day.

North Dakota Law.

At any time between the opening and the closing of the polls on election day, the official in charge of the polling-place first opens the outer or carrier envelope only, and compares the signature on the application blank with the signature affixed to the affidavit. If they correspond, if the affidavit is otherwise sufficient, and if the voter is duly qualified and has not already voted at this election, the judge of election opens the ballot envelope "in such manner as not to destroy the affidavit there-

on," takes out the ballot, and, "without unfolding the same or permitting the same to be opened or examined," deposits it in the ballot-box to be counted as if cast by the voter in person; and the voter's name is then checked on the voting-list. If, however, the affidavit should prove to be insufficient, or if the signatures should fail to correspond, or if the voter should not be a duly qualified elector of that precinct, such vote is, of course, not allowed; but "without opening the absent-voter envelope" the election officer marks across the face thereof, "Rejected as defective," or "Rejected as not an elector," as the case may be.

The law contains the further provision that the voter may mark his ballot before, as well as after, he leaves his own county; and that, in case the voter unexpectedly returns to his precinct on or before election day, he shall be permitted to vote in person, "provided his ballot has not already been deposited in the ballot-box." Appropriate penalties are, of course, provided for violations of the act and for false swearing.

Under the North Dakota law, it will readily be noted, secrecy of the ballot is much more completely insured than under the Kansas system. Nevertheless, it might happen that there was only one absent voter in a precinct, and, since his ballot differs in color from the regular ballot, his vote could be identified in counting. Apparently, to remove this last chance to identify an absent voter's ballot, most of the other laws modelled upon the North Dakota act omit the requirement of a distinctive color for the absent-voter ballots.

While either the Kansas or the North Dakota type of law has in general been followed in the other states, there are, of course, many variations in detail. Some states permit absent voting in *elections* only, while others permit it in connection with primaries as well. Some states restrict the absent voter to voting for constitutional amendments and for county, district, state, and federal officers; while in the other states he may vote for *all* officers as well as amendments. Some statutes require that the absent-voter's ballot shall be marked within the voter's home state; but West

Variations in Absent-Voters' Laws.

Virginia expressly requires that the absentee shall be outside the state. Louisiana, at the other extreme, requires the prospective absentee, before leaving home, to mark his ballot in the presence of the county official who issues it. The laws of Virginia, Tennessee, New York, Pennsylvania, and Wyoming are the most generous in this respect, expressly permitting absent voting in any part of the United States; that of Virginia goes even further, and sanctions it in any part of the world, provided the voter has access to a United States consul, marks the ballot in his presence, and returns it in time to be counted on the day of election. Even where not *expressly* stipulated, voting outside one's own state may be authorized *by implication*, for the majority of absent-voting laws merely specify that the voter must be beyond the borders of his own county or his own precinct. Again, few, if any, state laws permit voting *in absentia* for any or all reasons, indiscriminately. Most states prescribe that the absence must be "because his duties or occupation" require the voter to be absent; and Wyoming still further restricts the privilege to voters "whose duties are such as to cause [their] absence . . . at *regular and stated intervals*." The Michigan law is perhaps the most restrictive of all the laws applicable to civilians: only voters comprised in one of the following classes may cast their ballot *in absentia:* (*a*) "Electors in the actual military service of the United States or of this state, or in the army or navy thereof in time of war, insurrection, or rebellion; (*b*) members of the legislature while in attendance at any session; (*c*) students while in attendance at any institution of learning; and (*d*) commercial travellers. . . ." Only six states[1] have extended the privilege of absent voting to persons kept away from the polls by reason of illness or physical disability. It is in this direction—doing tardy justice to sick or disabled voters—that most remains to be done in the great majority of states in perfecting absent-voting legislation.

Nevada appears to be the first state to authorize voting by mail by persons who are *not* absent from their home precincts

[1] Wisconsin, Indiana, Iowa, Idaho, Delaware, and New York.

and are not kept away from the polls by sickness or physical disability.[1] The privilege is restricted, however, to voters who reside in precincts having less than twenty voters. The main purpose of this law evidently is to avoid the trouble and expense involved in establishing polling-places and appointing election officers in the sparsely settled portions of the state. Such "mailing precincts," as they are called, are to be designated before each primary and election by the various boards of county commissioners, and no polling-places are to be established or polling officials appointed in such precincts. A voter residing there may do one of two things: he may apply to the county clerk for an "official mailing ballot," which he must mark secretly without assistance and return to the county clerk not less than ten days before the day of the primary or election; or he may appear in person before the "central election board," at the county seat, while the polls are open, and there cast his ballot in person. The central election board, just mentioned, is appointed in each county by the board of county commissioners to receive and count the ballots mailed to the county clerk by the voters of the mailing precincts in the county. The rules governing opening and counting the ballots are so drawn as to insure secrecy.[2]

"Mailing Precincts" in Nevada.

While nearly all states have the Australian ballot *system*, there is at the present time the greatest diversity in legislation on the subject of *the ballot itself*.

Varying Forms of Australian Ballot.

(1) In size and shape there is, perhaps, the greatest variation. In 1904 the voters of Wisconsin were presented with a veritable "blanket" ballot, 35 by 24 inches, while in New York City, in 1909, the ballot was nearly 3 feet 10 inches wide by 14 inches long, and contained from nineteen to twenty-two columns. In Florida the ballot has taken the form of a narrow strip 3½

[1] *Laws of Nevada, 1923*, Ch. 207.

[2] Students of election systems will find much interesting material relating to absent voting and other forms of voting by mail in the publications of the Mail Ballot Movement of Chicago, issued by the More Democracy Press, 104 West Monroe Street, Chicago.

inches wide by 32½ inches long;[1] while in Nebraska, at the presidential election of 1912, the ballot measured 8 feet 2 inches by 6 inches. At the first direct primary election in New York City,[2] under the law of 1911, the ballot used by Republican and Democratic voters was 14 feet in length.

(2) Some states permit each party to select some distinctive emblem to appear at the head of the column on the official ballot containing the names of the party candidates. This is for the benefit of illiterate voters. There is the greatest variety in the choice of emblems even for the same party in different sections of the country. Perhaps the most common are the eagle for the Republican party and a cock for the Democratic party.

(3) Regarding the means for marking ballots there is also no uniformity, although most states require the use of an ordinary black lead-pencil. Stamps are permitted in four states, ink in West Virginia, and an indelible pencil in Maryland.

(4) A voter's choice is almost always indicated by a cross (X), except in Texas and perhaps one or two other states, where voters are required to draw a pencil through the names of the candidates they favor. When a cross is required, it may be placed either in the circle or square at the head of a party column, where that type of ballot is in use; or it may be placed opposite the names of each individual candidate. Some states require the cross to be placed at the left, others at the right, of the names.

(5) The arrangement of candidates' names on the ballot and the rules governing the marking of ballots have much influence on the ease with which voters may distribute their votes among candidates of different parties, and also on the accuracy with which the voter's choice is registered and recorded. So far as the arrangement of names is concerned, there are two principal types of ballot, the "Indiana" or "party-column" type, and the "Massachusetts"

Grouping of Names on the Ballot.

[1] P. L. Allen, *op. cit.;* J. W. Garner, Am. Pol. Sci. Assn. *Proceedings*, IV, 164 (1907).

[2] Held March 26, 1912.

type. Where the party-column ballot is found, candidates of the different parties have their names printed in separate columns, and at the head of each column appear the party name and a "party circle" or "party square." The voter, in order to vote a straight party ticket, has merely to place a single cross in the circle or square and his ballot will be counted for all the candidates of the party he favors. A few states, *e. g.*, Montana and Wyoming, retain the party column but omit the party square or circle, thus requiring a voter who wishes to vote a straight ticket to place a cross opposite the name of each candidate in the appropriate column.

Party-Column Ballots.

Where the Massachusetts type of ballot is used, the names of candidates of all parties are grouped together under the title of the offices for which they are running, the designation of the party to which each candidate belongs appearing either to the right or left of his name. The only way to vote a straight party ticket is to place a cross opposite the name of each individual candidate, as in the Montana and Wyoming ballots. For this reason such ballots are said to favor "split-ticket," or independent, voting. There are a number of variations of the Massachusetts type of ballot,[1] the most important being found in Pennsylvania and Nebraska. The Pennsylvania ballot, for example, retains the grouping of candidates' names by offices, but provides at the left margin of the ballot a list of the parties having candidates on the ballot, printed in bold-faced type; and a single cross placed opposite one of these party names is counted as a vote for every candidate nominated by that party—a device which, of course, makes straight-ticket voting quite as easy as it is with the party-column ballot.

Massachusetts Ballot.

Massachusetts Ballot Encourages Independent Voting.

As between the party-column and the Massachusetts type of ballot, practical politicians are almost unanimous in favoring the party-column ballot, while reformers with almost equal unanimity favor the Massachusetts type. The latter, if it does not actually facili-

[1] See P. L. Allen, *Outlook*, LXXXIV, 125 (1906).

tate independent voting, at least renders straight-ticket voting less easy. With the party-column ballot, on the other hand, many voters, bewildered with the long array of names before them, simply follow the line of least resistance and make a single cross in the party square or circle—a practice which improves the chances of inferior candidates being pulled through by the popularity of the superior candidates whose names stand at the head of the party ticket.

Influence of Form of Ballot Upon Voting.

With reference to *the relative ease of independent voting* with different kinds of ballots, the states may be placed in five groups: To illustrate, let us suppose that at a certain election ten elective positions are to be filled. A and B go to the polls together, A intending to vote for ten Republicans, while B prefers nine Republicans and one Democrat. If they live in Massachusetts, they must each mark the names of their chosen candidates separately, and are on an exact equality, with ten crosses apiece. If they live in Illinois, they each make one mark in the Republican party circle, while B thereafter makes a second mark opposite the chosen Democrat. If they live in Michigan, B, besides his extra mark, simply draws a line through the name of the Republican nominees for the same office. If they live in Indiana, A makes his single mark in the Republican circle, as before, but B is not allowed so to do. He must mark his nine Republicans and one Democrat separately. Finally, if they lived in Missouri before 1921[1]—both A and B select the Republican ballot from a bundle of separate strips handed them at the polls, and B, scratching out one name, writes in that of his Democrat, while A deposits his slip unaltered. There are thus some states where B would be put to ten times as much trouble as A; there are other states where B would be put to twice as much trouble as A; there are still other states where A and B would make the same number of marks.[2]

Just how much influence these differences have on the result of elections it is, of course, impossible to say; but a study of

[1] In 1921 the provision for a separate ballot for each party was repealed.
[2] P. L. Allen, *Outlook*, LXXXIV, 125 (1906).

SPECIMEN

TO VOTE A STRAIGHT PARTY TICKET, MARK A CROSS (X) IN THE SQUARE, IN THE FIRST COLUMN, OPPOSITE THE NAME OF THE PARTY OF YOUR CHOICE.
A CROSS MARK IN THE SQUARE AT THE HEAD OF A GROUP OF PRESIDENTIAL ELECTORS, OPPOSITE THE NAME OF A PARTY AND ITS PRESIDENTIAL CANDIDATES, IS A VOTE FOR ALL THE ELECTORS OF THAT PARTY, BUT FOR NO OTHER CANDIDATES.
A CROSS MARK IN THE SQUARE OPPOSITE THE NAME OF ANY CANDIDATE INDICATES A VOTE FOR THAT CANDIDATE.
TO VOTE FOR A PERSON WHOSE NAME IS NOT ON THE BALLOT, WRITE OR PASTE HIS NAME IN THE BLANK SPACE PROVIDED FOR THAT PURPOSE.
TO VOTE FOR AN INDIVIDUAL CANDIDATE OF ANOTHER PARTY AFTER MAKING A MARK IN THE PARTY SQUARE, MARK A CROSS (X) OPPOSITE HIS NAME.
FOR AN OFFICE WHERE MORE THAN ONE CANDIDATE IS TO BE ELECTED, THE VOTER, AFTER MARKING IN THE PARTY SQUARE, MAY DIVIDE HIS VOTE BY MARKING A CROSS (X) TO THE RIGHT OF EACH CANDIDATE FOR WHOM HE DESIRES TO VOTE. FOR SUCH OFFICE VOTES SHALL NOT BE COUNTED FOR CANDIDATES NOT INDIVIDUALLY MARKED.

A CROSS (X) IN THE PARTY SQUARE IN THE FIRST COLUMN DOES NOT CARRY A VOTE FOR ANY JUDGE. TO VOTE FOR JUDGE, MARK A CROSS (X) OPPOSITE THE NAME OF THE CANDIDATE DESIRED.

FIRST COLUMN

To Vote a Straight Party Ticket, Mark a Cross (X) in this Column

- REPUBLICAN
- DEMOCRATIC
- SOCIALIST
- PROHIBITION
- INDUSTRIALIST
- LABOR
- SINGLE TAX
-
-

JUDICIAL TICKET NON-PARTISAN

JUDGE OF THE SUPREME COURT
(Vote for One)

Sylvester B. Sadler,

JUDGE OF THE SUPERIOR COURT
(Vote for One)

William B. Linn,

REPRESENTATIVE IN CONGRESS AT LARGE
(Vote for Four)

William J. Burke,	Republican
Mahlon M. Garland,	Republican
Joseph McLaughlin,	Republican
Anderson H. Walters,	Republican
Charles M. Bowman,	Democratic
John P. Bracken,	Democratic
M. J. Hanlan,	Democratic
John B. McDonough,	Democratic
Charles J. Bauer,	Socialist
A. M. Buckwalter,	Socialist
Edward W. Hayden	Socialist
Henry W. Schlegel,	Socialist
Flora J. Diefenderfer,	Prohibition
George Hart,	Prohibition
Luther S. Kauffman,	Prohibition
F. E. Whittlesey,	Prohibition
Frank Kalcer,	Industrialist
Joseph Rack,	Industrialist
Joseph P. Smith,	Industrialist
Herman Spittal,	Industrialist
Howard Cessna,	Labor
Freeda S. Miller	Labor
William A. Hagan,	Single Tax
Thomas A. Kavanagh,	Single Tax
William R. Kline,	Single Tax
Joseph E. Robinson,	Single Tax

PRESIDENTIAL ELECTORS (Vote for 38)

REPUBLICAN — HARDING and COOLIDGE

J. Leonard Replogle,
John Wanamaker,
James Dobson,
Charles A. Ernst,
Harry E. Sheldon,
Charles J. Webb,
Joseph C. Trainer,
William F. Sauter,
Robert Grier
Russell H. Conwell,
William H. Ziegler,
John S. W. Holton,
Henry W. Marshall,
Fletcher W. Stites,
Samuel R. Slaymaker,
Thomas R. Brooks,
Fred M. Kirby,
William H. Barr,
A. Ellsworth Leinbach,
Stanley R. Brunges,
Peter P. Griffin,
Curtis Q. McWilliams,
David L. Greenawalt,
Joshua W. Swartz,
Edgar R. Smith,
Burton M. Alleman,
Andrew D. Burns,
Alexander D. McConnell,
Harold G. Sturgis,
Thomas H. Hartman,
James D. Hay,
Eugene W. Baer,
Vernon Frank Taylor,
Edward R. Boyle,
John C. Oliver,
James A. Williams,
Frank R. Steward,
Joseph Lew,

PRESIDENTIAL ELECTORS (Vote for 38)

DEMOCRATIC — COX and ROOSEVELT

William A. Glasgow,
James Houlahen,
Ellen Duane Davis,
Rembrandt Peale,
Theodore F. Jenkins,
A. Raymond Raff,
Joseph L. Galen,
P. Oliver Derr,
William A. Hayes,
Benjamin H. Green,
James J. Sweeney,
Edward Fitzgerald,
F. E. Nivin,
Harvey Christman,
William A. Brinkman,
Samuel B. Price,
Dorrance Reynolds,
Louis C. Robinhold,
Jonathan Frederick,
Harry B. Sherwood,
J. Walton Bowman,
George C. Graeber,
A. Reed Hayes,
Edward Moeslein,
John B. McAneny,
H. M. Hartman,
Asbury W. Lee
James S. Moorhead,
William C. Mullan,
James L. Lockhart,
Michael Liebel, Jr.,
Parke H. Davis,
Arthur C. Fleming,
Frank A. Kaul,
Bernard B. McGinnis,
Philip W. Dempsey,
Herman Obernauer,
William Fromm,

PRESIDENTIAL ELECTORS (Vote for 38)

SOCIALIST — DEBS and STEDMAN

Charles E. Dovelin,
P. J. Parris,
F. A. Silvis,
Jacob D. Reber,
Adiel B. Yoder,
Julius Weisberg,
J. P. Innerarity,
Joseph E. Cohen,
Alphonse Olbrich,
Charles Sehl,
F. Gustav Rother,
J. P. Brown,
Walter N. Lodge,
Claude B. Armstrong,
Wm. P. Ostemeyer,
O. E. Musselman,
James M. Nesbitt,
Frank Green,
Raymond S. Hofses,
Joseph Page,
Daniel F. Romig,
Thomas H. Clark,
M. L. Newcomer,
Elmer E. Kahl,
James Henry Murphy,
B. F. Biechley,
Lars Swedenhjelm,
Edward Heidenreich,
E. K. Cockley,
T. Louis Majors,
Chris. Sauers,
Wilson R. Brown,
Carl P. Anderson,
V. W. Kirberger,
Andreas C. Graul,
William Adams,
Max Jenkins,
Walker C. Cunningham,

PRESIDENTIAL ELECTORS (Vote for 38)

PROHIBITION — WATKINS and COLVIN

Herbert T. Ames,
W. M. DeVinney,
John G. Dixon,
R. L. Emerick,
R. E. English,
E. J. Fithian,
Albert Gaddis,
Fred Groff,
T. H. Hamilton,
J. W. C. Hites,
D. G. Hendricks,
J. G. Hosick,
C. S. Humes,
John S. Hay,
E. B. Lacy,
M. F. Laskin,
Howard Leopold,
Elisha K. Kane,
H. Ria Garber,
Archibald McNeill,
Samuel S. Carnell,
O. K. Mohr,
Henry W. Mead,
W. J. Olds,
H. D. Patton,
James Peebles,
Geo. L. Pennock,
W. A. Repp,
Chas. L. Rummel,
William Willis Sholl,
C. R. Slade,
Andrew W. Smith,
E. U. Sowers,
Silas C. Swallow,
Geo. T. Underwood,
John White,
Louis VanOrden,
W. C. Letson,

PRESIDENTIAL ELECTORS (Vote for 38)

INDUSTRIALIST — COX and GILLHAUS

M. J. Tuffner,
Louis Harris,
Frank Knotek,
C. J. Bosau,
Arden Orfice,
Harry New,
Charles Snell,
W. H. Thomas,
E. Schumaker,
August Krieg,
H. R. Cowen,
C. Schleicher,
W. H. Peake,
Gustav Meyn,
Fred Wagner,
Alfred Black,
C. Pelsman,
Joseph Weyer,
C. W. Morris,
Jerry Hartlein,
A. Macusic,
William Kruczyuna,
J. R. Maley,
W. F. Quillan,
S. Boyagitch,
A. C. Pollock,
R. L. Sherman,
William Krumm,
Thomas E. North,
Thomas Banks,
August Clever,
William Hughes,
Fred G. Bauman,
George W. Ohls,

PRESIDENTIAL ELECTORS (Vote for 38)

LABOR — CHRISTENSEN and HAYES

James B. Gent,
David Williams,
Walter Stein,
Eugene J. Murphy,
George Hanneside,
William Feeney,
John J. McCall,
James J. Devine,
Jacob Hyman,
Francis X. Sullivan,
Samuel Greer,
Clinton S. Golden,
Frank P. Kennedy,
M. P. Powasis,
Clarence J. Moser,
Frank Swartwood,
Robert B. Long,
John Hollister,
Frank C. Hoover,
Gilbert F. Feight,
H. B. Rohrer,
Philip Wagaman,
Charles E. Nau,
August Cerutti,
Patrick F. Hynes, Jr.
A. B. Taylor,
Chester Anderson,
Edward Evans,
Thomas P. Dolan,
David Niven,
P. J. McGrath,
Frank W. Weibel,
Daniel McHenry,
Thomas E. Michaels,

PRESIDENTIAL ELECTORS (Vote for 38)

SINGLE TAX — MACAULEY and BARNUM

Frank E. Martin,
Harry S. Macauley,
Caroline Lady Dix,
Frederick A. Boch,
John A. C. Owens,
George A. Hang,
Frank Pirommer,
James A. Robinson,
John T. Purdy,
Frances I. Macauley,
Oliver Wingert,
Joseph B. Chamberlain,
John W. Dix,
Edward J. Lafferty,
Harry L. Webster,
Joseph H. Painter,
Andrew J. Cox,
William H. Dieter,
Calvin A. Miller,
Charles J. Ford,
George W. Genter,
Daniel W. Pesler,
Henry W. Deitzel,
George R. Enck,
Oliver F. Clapper,
William Snodgrass,
Martin P. Burk,
George Pancoast,
Snyder M. Kelly,
Edward Manus,
Henry V. Ball,
Robert F. Hartzell,
Harold H. Jones,
John Z. Diem,
George P. Loomis,
August A. Meckel,
James B. Sharpe,
Thomas J. P. Brown,

PRESIDENTIAL ELECTORS (Insert 38)

This column is for use of voters desiring to vote for Presidential Electors other than those whose names appear printed on this ballot.

UNITED STATES SENATOR (Vote for One)

Boies Penrose,	Republican
John A. Farrell,	Democratic
Birch Wilson,	Socialist
Leah Cobb Marion,	Prohibition
Robert J. Wheeler,	Labor
Joseph Eugene Jennings,	Single Tax

STATE TREASURER (Vote for One)

Charles A. Snyder,	Republican
Peter A. Elsesser,	Democratic
Geo. W. Snyder,	Socialist
C. W. Huntington,	Prohibition
Samuel Taylor,	Labor
Oliver McKnight,	Single Tax

AUDITOR GENERAL (Vote for One)

Samuel S. Lewis,	Republican
Arthur McKean,	Democratic
Charles T. Schenck,	Socialist
A. P. Hutchison,	Prohibition
Patrick McHale,	Labor
Janette Reynolds Dix,	Single Tax

REPRESENTATIVE IN CONGRESS (Vote for One)

Aaron S. Kreider,	Republican / Prohibition
Milton H. Plank,	Democratic
George Steiner,	Socialist
George A. Herring,	Labor

SENATOR IN THE GENERAL ASSEMBLY (Vote for One)

Frank A. Smith,	Republican / Prohibition
Calder B. Shammo,	Democratic
Charles Beockler,	Socialist
C. F. Quinn,	Labor

REPRESENTATIVES IN THE GENERAL ASSEMBLY
1st District
(Vote for Two)

Albert Millar,	Republican
David I. Miller,	Republican
Samuel H. Lane,	Democratic
James R. Wilson,	Democratic / Labor
William Duey,	Socialist
Albert Miller,	Prohibition
D. J. Miller,	Prohibition
John Richard Copenhaver,	Labor

MINE INSPECTOR (Vote for One)

Charles J. Price,	Republican / Democratic / Socialist / Prohibition

PENNSYLVANIA BALLOT, 1920

To vote for Electors of One Party, mark a Cross in the Square at the right of the Party Name. X

ELECTORS OF PRESIDENT AND VICE PRESIDENT

Vote ONCE

COX and ROOSEVELT ~~~ Democratic

AT LARGE
- Malcolm A. Coolidge of FITCHBURG
- Rose D. Forbes of MILTON

BY DISTRICTS
1. Ellen M. Roland of HAMDEN
2. Mary E. Woolley of SOUTH HADLEY
3. Joseph E. Vesna of LEOMINSTER
4. Arthur Gordon Webster of WORCESTER
5. Charles Francis Adams of CONCORD
6. Analle T. Dodge of NEWBURYPORT
7. Abbie May Roland of HAMANT
8. Charles W. Eliot of CAMBRIDGE
9. Thomas J. Boynton of EVERETT
10. Mary F. Sullivan of BOSTON
11. William Gaston of BOSTON
12. Mary Madden Jackson of BOSTON
13. Dorothy Whipple Fry of BROOKLINE
14. Eugenia B. Frothingham of BOSTON
15. Harold E. Sweet of ATTLEBORO
16. Hannah Ashley of NEW BEDFORD

COX and GILLHAUS ~~~ Socialist Labor

AT LARGE
- Peter O'Rourke of MEDFORD
- Paul Schepis of BOSTON

BY DISTRICTS
1. Henry Hoffke of HOLYOKE
2. Oscar Klesales of SPRINGFIELD
3. Herman Koepke of PITTSFIELD
4. Joseph Jiskra of MILFORD
5. John MacKinnon of LOWELL
6. Jeremiah P. McNally of SALEM
7. Fred E. Oelcher of PEABODY
8. John W. Aiken of WAKEFIELD
9. Leon Greenman of CHELSEA
10. Felix Manevitz of BOSTON
11. George Nelson of BOSTON
12. Henry C. Hess of BOSTON
13. Walter J. Hoar of BOSTON
14. Patrick H. Loftus of ABINGTON
15. Albert Barnes of FALL RIVER
16. James W. Holden of NEW BEDFORD

DEBS and STEDMAN ~~~ Socialist

AT LARGE
- John J. McEttrick of BOSTON
- Thomas H. Fair of BROCKTON

BY DISTRICTS
1. Dan McGahan of GREENFIELD
2. Walter P. J. Skahan of SPRINGFIELD
3. Charles E. Foaner of WORCESTER
4. Adolph Wirkkula of MAYNARD
5. Sylvester J. McBride of WATERTOWN
6. Parkman B. Flanders of HAVERHILL
7. Joseph Wallis of BEVERLY
8. George E. Roewer, Jr. of BELMONT
9. Henry Erskine of REVERE
10. Joseph M. Melrovitz of BOSTON
11. Louis Marcus of BOSTON
12. Samuel P. Levenberg of BOSTON
13. Samuel Zorn of BOSTON
14. N. Albion Jeppson of BROCKTON
15. Morris Rosen of BROCKTON
16. Wilbur M. Austin of N. ATTLEBOROUGH

To vote for Electors of One Party, mark a Cross in the Square at the right of the Party Name. X

ELECTORS OF PRESIDENT AND VICE PRESIDENT

Vote ONCE

HARDING and COOLIDGE ~~ Republican

AT LARGE
- Charles Sumner Bird of WALPOLE
- Elizabeth Putnam of MANCHESTER

BY DISTRICTS
1. Frank H. Metcalf of HOLYOKE
2. Henry P. Field of NORTHAMPTON
3. Arthur H. Lowe of FITCHBURG
4. Chandler Bullock of WORCESTER
5. Alfred C. Gaunt of METHUEN
6. Elihu Thomson of SWAMPSCOTT
7. Marion Cowan Burrows of LYNN
8. William H. Lewis of CAMBRIDGE
9. J. Edward L. McLean of SOMERVILLE
10. Emma Romano of BOSTON
11. Charlotte H. J. Guild of BOSTON
12. Albert H. Curtis of BOSTON
13. Ernest B. Dane of BROOKLINE
14. Harold C. Keith of BROCKTON
15. Joseph W. Martin, Jr. of N. ATTLEBORO
16. Albert H. Washburn of MIDDLEBORO

Voters inserting names must mark a cross X against each one.

AT LARGE
-
-

BY DISTRICTS
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.
16.

To vote for a Person, mark a Cross X in the Square at the right of the Party Name, or Political Designation. X

GOVERNOR ..... Vote for ONE
- CHANNING H. COX—of BOSTON ~~~ Republican
- WALTER S. HUTCHINS—of GREENFIELD ~~~ Socialist
- PATRICK MULLIGAN—of BOSTON ~~~ Socialist Labor
- JOHN J. WALSH—of BOSTON ~~~ Democratic

LIEUTENANT GOVERNOR ..... Vote for ONE
- MARCUS A. COOLIDGE—of FITCHBURG ~~~ Democratic
- DAVID CRAIG—of MILFORD ~~~ Socialist Labor
- ALVAN T. FULLER—of MALDEN ~~~ Republican
- THOMAS NICHOLSON—of METHUEN ~~~ Socialist
- ROBERT M. WASHBURN—of BOSTON ~~~ Independent

SECRETARY ..... Vote for ONE
- FREDERIC W. COOK—of SOMERVILLE ~~~ Republican
- EDWARD E. GINSBURG—of BROOKLINE ~~~ Democratic
- ANTHONY HOUTENBRINK—of BOSTON ~~~ Socialist Labor
- EDITH M. WILLIAMS—of BROOKLINE ~~~ Socialist

TREASURER ..... Vote for ONE
- GEORGE H. JACKSON—of LYNN ~~~ Citizen
- JAMES JACKSON—of WESTWOOD ~~~ Republican
- LOUIS MARCUS—of BOSTON ~~~ Socialist
- PATRICK O'HEARN—of BOSTON ~~~ Democratic
- ALBERT L. WATERMAN—of BOSTON ~~~ Socialist Labor

AUDITOR ..... Vote for ONE
- ALONZO B. COOK—of BOSTON ~~~ Republican
- ALICE E. CRAM—of BOSTON ~~~ Democratic
- STEPHEN J. SURRIDGE—of LYNN ~~~ Socialist Labor
- HERBERT H. THOMPSON—of HAVERHILL ~~~ Socialist

ATTORNEY-GENERAL ..... Vote for ONE
- J. WESTON ALLEN—of NEWTON ~~~ Republican
- MORRIS I. BECKER—of BOSTON ~~~ Socialist Labor
- JOHN WEAVER SHERMAN—of BOSTON ~~~ Socialist
- MICHAEL L. SULLIVAN—of SALEM ~~~ Democratic

To vote for a Person, mark a Cross X in the Square at the right of the Party Name, or Political Designation. X

CONGRESSMAN — Ninth District ..... Vote for ONE
- MAURICE F. AHEARN—of SOMERVILLE ~~~ Democratic
- CHARLES L. UNDERHILL—of SOMERVILLE ~~~ Republican

COUNCILLOR — Fourth District ..... Vote for ONE
- JOHN C. F. SLAYTON—of MELROSE ~~~ Republican

SENATOR — Fourth Middlesex District ..... Vote for ONE
- ALVIN E. BLISS—of MALDEN ~~~ Republican

REPRESENTATIVES IN GENERAL COURT
Twentieth Middlesex District — Vote for TWO
- JAMES B. BROWN—of EVERETT ~~~ Republican
- WILLIAM W. CAHILL—of EVERETT ~~~ Democratic
- JOSEPH L. LARSON—of EVERETT ~~~ Republican

COUNTY COMMISSIONERS ..... Vote for TWO
Middlesex County
- ALFRED L. CUTTING—of WESTON ~~~ Republican
- WALTER C. WARDWELL—of CAMBRIDGE ~~~ Republican

To vote for a Person, mark a Cross X in the Square at the right of the Party Name, or Political Designation. X

SHERIFF — Middlesex County ..... Vote for ONE
- JOHN R. FAIRBAIRN—of CAMBRIDGE ~~~ Republican

To vote on the following, mark a Cross X in the square at the right of YES or NO:—

Shall an act entitled "An Act to regulate the Manufacture and Sale of Beer, Cider and Light Wines," and in which it is provided that all beverages containing not less than one half of one per cent and not more than two and three fourths per cent of alcohol by weight at sixty degrees Fahrenheit shall be deemed not to be intoxicating liquor, which act passed the House of Representatives by a vote of 121 in favor and 67 against, and passed the Senate by a vote of 26 in favor and 6 against, and was thereafter vetoed by His Excellency the Governor, and failed of passage in the Senate over the said veto by a vote of 14 in favor and 22 against, be approved?

YES

NO

votes in 1904, when state officers as well as president and vice-president were voted for, shows the following results.[1] (1) Where the marking of each individual candidate is compulsory, as in Massachusetts, the voters exercised the greatest degree of discrimination. (2) Next came those states[2] in which, while the straight ticket voters are favored by being allowed to record their choice at a single operation, the split-ticket voter is not put to the necessity of marking his candidates one by one. (3) Of lowest rank as to amount of independent voting were those states[3] which require writing in or pasting of names for split-ticket voting and the marking of every candidate. (4) No evidence appeared that the alphabetical arrangement of names, when grouped by offices, had any effect to encourage independence. Nor is there anything to show that the grouping by offices itself is any more favorable to independent voting than the party-column plan, provided the rules for marking are the same.[4]

Independent Voting Increasing.

It is important to note in this connection that in recent years there has been a striking growth in the number of voters who discriminate between candidates instead of voting a straight party ticket. The proportion of voters who have made opposite decisions upon state and national issues, preferring a president of one party and a governor of another, was, in 1896, .38 per cent; in 1900, 1.22 per cent; and in 1904, 7.57 per cent; indicating more than six times as many discriminations in 1904 as in 1900 and more than nineteen times as many as in 1896. This was the *general* average; in particular states the record (1904) went far above those figures. Comparing the vote of a party's best-running candidates and the vote of those who made the poorest showing, we find ten states in which the degree of discrimination shown was 10 per cent or over: Minnesota, 31.07 per cent; Washington, 22.63; Montana, 18.38; Michigan, 17.01; Kansas, 16.51; Massachu-

[1] P. L. Allen, *Pol. Sci. Quar.*, XXI, 847 (1906).
[2] For example, Illinois.
[3] For example, Indiana and Missouri.
[4] P. L. Allen, *Pol. Sci. Quar.*, XXI, 847 (1906).

setts, 15; Nevada, 14.27; Wisconsin, 12.99; Rhode Island, 11.87; Wyoming, 10.34. In all the previous presidential elections only one instance has been found of more than 10 per cent ticket-splitting.[1] These facts constitute one of the most encouraging features connected with present-day practical politics. They indicate an increasing disposition on the part of the average voter to exercise independent judgment in selecting the candidates for whom he will cast his vote, the weakening of party ties, and the increasing reluctance of voters to be whipped into line to vote for all candidates of their party, good, bad, and indifferent. The fact that our elections do not always or for any great length of time go the same way tends to prove that independent voters hold the balance of power in this country.

With perhaps no feature of American governmental organization is more fault being found than with our system of elections. The chief criticisms relate (1) to the frequency of primaries and elections, (2) to the concurrence of local, state, and national elections, (3) the projection of national party lines into state and local elections, (4) to the excessive number of elective officers, and (5) to the common rule of electing candidates by plurality instead of majority vote. Each of these defects, together with proposed remedies, deserves at least brief consideration here.

Defects in Our Election System.

(1) Concerning the frequency of elections, one merely needs to call attention to the fact that we have the election of president every four years, of some state officers triennially, of other state officers and congressmen biennially, while many county and local officers are elected annually. Most of these elections are preceded by primary or convention days, and registration days in the larger cities. Not only do these frequently recurring registration, primary, and election days impose a heavy burden upon the taxpayers, but they also render it impossible for the average citizen, necessarily devoting the greater part of his time to his own business

Frequency of Elections.

[1] P. L. Allen, *Outlook*, LXXXIV, 124 (1906). For more recent statistics of independent voting, see A. C. Millspaugh, "Irregular Voting in the United States," *Pol. Sci. Quar.*, XXXIII, 230–254 (1918).

THIS BALLOT SHOULD BE MARKED IN ONE OF TWO WAYS WITH A PENCIL HAVING BLACK LEAD.
TO VOTE A STRAIGHT TICKET, MAKE A CROSS (x) MARK WITHIN THE CIRCLE ABOVE ONE OF THE PARTY COLUMNS.
TO VOTE A SPLIT TICKET, THAT IS, FOR CANDIDATES OF DIFFERENT PARTIES, THE VOTER SHOULD MAKE A CROSS (x) MARK BEFORE THE NAME OF EACH CANDIDATE FOR WHOM HE VOTES.
IF THE TICKET MARKED IN THE CIRCLE FOR A STRAIGHT TICKET DOES NOT CONTAIN THE NAMES OF CANDIDATES FOR ALL OFFICES FOR WHICH THE VOTER MAY VOTE, HE MAY VOTE FOR CANDIDATES FOR SUCH OFFICES SO OMITTED, BY MAKING A CROSS (x) MARK BEFORE THE NAMES OF CANDIDATES FOR SUCH OFFICES ON ANOTHER TICKET, OR, BY WRITING THE NAMES, IF THEY ARE NOT PRINTED UPON THE BALLOT, IN THE BLANK COLUMN UNDER THE TITLE OF THE OFFICE.
TO VOTE FOR A PERSON NOT ON THE BALLOT, WRITE THE NAME OF SUCH PERSON UNDER THE TITLE OF THE OFFICE IN THE BLANK COLUMN.
ANY OTHER MARK THAN THE CROSS (x) MARK USED FOR THE PURPOSE OF VOTING OR ANY FEATURE MADE ON THIS BALLOT, MAKES IT VOID, AND NO VOTE CAN BE COUNTED HEREON.
IF YOU TEAR, OR DEFACE, OR WRONGLY MARK THIS BALLOT, RETURN IT AND OBTAIN ANOTHER.

Put a Straight Ticket Mark Within This Circle

REPUBLICAN PARTY.

For Governor, HENRY L. STIMSON.

For Lieutenant-Governor, EDWARD SCHOENECK.

For Secretary of State, SAMUEL S. KOENIG.

For Comptroller, JAMES THOMPSON.

For Treasurer, THOMAS F. FENNELL.

For Attorney-General, EDWARD R. O'MALLEY.

For State Engineer and Surveyor, FRANK M. WILLIAMS.

For Associate Judge of the Court of Appeals, IRVING G. VANN.

FREDERICK COLLIN

For Justice of the Supreme Court for the Second Judicial District, GARRET J. GARRETSON.

SAMUEL T. MADDOX.

HARRINGTON PUTNAM.

For Surrogate, RAWDON W. KELLOGG.

For Representative in Congress for the Fourteenth Congressional District, VICTOR HUGO DURAS.

For Senator for the Second Senate District, DANA WALLACE.

For Member of Assembly for the First Assembly District, HENRY C. JOHNSON, Jr.

Put a Straight Ticket Mark Within This Circle

DEMOCRATIC PARTY.

For Governor, JOHN A. DIX.

For Lieutenant-Governor, THOMAS F. CONWAY.

For Secretary of State, EDWARD LABANSKY.

For Comptroller, WILLIAM SOHMER.

For Treasurer, JOHN J. KENNEDY.

For Attorney-General, THOMAS CARMODY.

For State Engineer and Surveyor, JOHN A. BENSEL.

For Associate Judge of the Court of Appeals, FREDERICK COLLIN.

IRVING G. VANN.

For Justice of the Supreme Court for the Second Judicial District, PATRICK E. CALLAHAN.

SAMUEL T. MADDOX.

HARRINGTON PUTNAM.

For Surrogate, DANIEL NOBLE.

For Representative in Congress for the Fourteenth Congressional District, JOHN JOSEPH KINDRED.

For Senator for the Second Senate District, DENNIS J. HARTE.

For Member of Assembly for the First Assembly District, ANDREW ZORN.

Put a Straight Ticket Mark Within This Circle

INDEPENDENCE LEAGUE PARTY.

For Governor, JOHN J. HOPPER.

For Lieutenant-Governor, WILLIAM RANDOLPH HEARST.

For Secretary of State, THOMAS P. SCULLY.

For Comptroller, ARNOLD B. MacSTAY.

For Treasurer, WILLIAM IRVING SHROTHER.

For Attorney-General, ROBERT STEWART.

For State Engineer and Surveyor, JAMES A. LEE.

For Associate Judge of the Court of Appeals, REUBEN ROBIE LYON

JAMES A. ALLEN.

For Justice of the Supreme Court for the Second Judicial District, GARRET J. GARRETSON.

SAMUEL T. MADDOX.

HARRINGTON PUTNAM.

For Surrogate, RAWDON W. KELLOGG.

For Representative in Congress for the Fourteenth Congressional District, VICTOR HUGO DURAS.

For Senator for the Second Senate District, DANA WALLACE.

For Member of Assembly for the First Assembly District, HENRY C. JOHNSON, Jr.

Put a Straight Ticket Mark Within This Circle

SOCIALIST PARTY.

For Governor, CHARLES EDWARD RUSSELL.

For Lieutenant-Governor, GUSTAVE A. STRESSEL.

For Secretary of State, BERTHA M. FRASER.

For Comptroller, O. A. CURTIS.

For Treasurer, SYLVESTER BUTLER.

For Attorney-General, HENRY L. SLOBODIN.

For State Engineer and Surveyor, WILLIAM LIPPELT.

For Associate Judge of the Court of Appeals, MORRIS HILLQUIT.

LOUIS B. BOUDIN.

For Justice of the Supreme Court for the Second Judicial District, THOMAS A. MOPKINS.

LOUIS B. BOUDIN.

EMIL MILLER.

For Surrogate, CHRISTOPHER BRISBLE.

For Representative in Congress for the Fourteenth Congressional District, WILLIAM F. KIRBY.

For Senator for the Second Senate District, MARTIN KRAEMER.

For Member of Assembly for the First Assembly District, WILLIAM KRUEGER.

Put a Straight Ticket Mark Within This Circle

PROHIBITION PARTY.

For Governor, T. ALEXANDER MacNICHOLL.

For Lieutenant-Governor, CALVIN McCARTHY.

For Secretary of State, M. HORACE GILLETTE.

For Comptroller, BERNARD CLAUSON.

For Treasurer, CHARLES J. CALL.

For Attorney-General, FRANCIS E. BALDWIN.

For State Engineer and Surveyor, ALBERT W. PIERSON.

For Associate Judge of the Court of Appeals, ALFRED L. MANIERRE.

GILBERT KLIOTT.

For Justice of the Supreme Court for the Second Judicial District, GARRET J. GARRETSON.

SAMUEL T. MADDOX.

HARRINGTON PUTNAM.

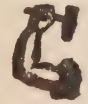
For Surrogate, NO NOMINATION.

For Representative in Congress for the Fourteenth Congressional District, JOSEPH H. RALPH.

For Senator for the Second Senate District, GUSTAV J. TALLEUR.

For Member of Assembly for the First Assembly District, NO NOMINATION.

INDEPENDENT NOMINATIONS.



Put a Straight Ticket Mark Within This Circle

SOCIALIST LABOR PARTY.

For Governor, FRANK B. FARRAMOND.

For Lieutenant-Governor, JAMES T. HUNTER.

For Secretary of State, HENRY KUHN.

For Comptroller, CARL A. LUEDEKE.

For Treasurer, WILLIAM A. WALTERS.

For Attorney-General, LEWIS F. ALRUTE.

For State Engineer and Surveyor, JEREMIAH D. CROWLEY.

For Associate Judge of the Court of Appeals, CHARLES H. CHASE.

INDEPENDENT NOMINATIONS.

Put a Straight Ticket Mark Within This Circle

CITIZENS' UNION.

For Justice of the Supreme Court for the Second Judicial District, GARRET J. GARRETSON.

SAMUEL T. MADDOX.

HARRINGTON PUTNAM.

Put a Straight Ticket Mark Within This Circle

CITIZENS' NON-PARTISAN JUDICIARY NOMINATORS.

For Justice of the Supreme Court for the Second Judicial District, GARRET J. GARRETSON.

SAMUEL T. MADDOX.

HARRINGTON PUTNAM.

BLANK COLUMN.

THE VOTER MAY WRITE IN THE COLUMN BELOW, UNDER THE TITLE OF THE OFFICE, THE NAME OF ANY PERSON WHOSE NAME IS NOT PRINTED UPON THE BALLOT, FOR WHOM HE DESIRES TO VOTE.

For Governor,

For Lieutenant-Governor,

For Secretary of State,

For Comptroller,

For Treasurer,

For Attorney-General,

For State Engineer and Surveyor,

For Associate Judge of the Court of Appeals,

For Justice of the Supreme Court for the Second Judicial District,

For Surrogate,

For Representative in Congress for the Fourteenth Congressional District,

For Senator for the Second Senate District,

For Member of Assembly for the First Assembly District,

THE "PARTY-COLUMN" TYPE OF BALLOT USED IN NEW YORK BEFORE 1914

1. TO VOTE FOR A CANDIDATE ON THIS BALLOT MAKE A CROSS X MARK IN ONE OF THE SQUARES OR IN THE SPACE AT THE LEFT OF HIS NAME.
2. TO VOTE FOR A CANDIDATE NOT ON THIS BALLOT WRITE HIS NAME IN THE BLANK SPACE UNDER THE CANDIDATES FOR THAT OFFICE.
3. MARK ONLY WITH A PENCIL HAVING BLACK LEAD.
4. ANY OTHER MARK, ERASURE OR TEAR ON THE BALLOT RENDERS IT VOID.
5. IF YOU TEAR, OR DEFACE, OR WRONGLY MARK THIS BALLOT, RETURN IT AND OBTAIN ANOTHER.

1 GOVERNOR (Vote for one).

- MARTIN H. GLYNN ... {Democratic / Ind. League}
- CHARLES S. WHITMAN ... Republican
- FREDERICK M. DAVENPORT ... Progressive
- GUSTAVE A. STREBEL ... Socialist
- WILLIAM SULZER ... {Prohibition / American}
- JAMES T. HUNTER ... Social Labor

2 LIEUTENANT GOVERNOR (Vote for one).

- THOMAS B. LOCKWOOD ... Democratic
- EDWARD SCHOENECK ... {Republican / Ind. League}
- CHAUNCEY J. HAMLIN ... Progressive
- STEPHEN J. MAHONEY ... Socialist
- CHARLES E. WELCH ... Prohibition
- JEREMIAH D. CROWLEY ... Social Labor

3 SECRETARY OF STATE (Vote for one).

- MITCHELL MAY ... {Democratic / Ind. League}
- FRANCIS M. HUGO ... Republican
- SYDNEY W. STERN ... Progressive
- FLORENCE CROSS KITCHELT ... Socialist
- JOHN R. CLEMENTS ... Prohibition
- EDMUND MOONELIS ... Social Labor

4 COMPTROLLER (Vote for one).

- WILLIAM SOHMER ... {Democratic / Ind. League}
- EUGENE M. TRAVIS ... Republican
- JOHN B. BURNHAM ... Progressive
- CHARLES W. NOONAN ... Socialist
- NEIL D. CRANMER ... Prohibition
- CHARLES E. BERNS ... Social Labor

5 TREASURER (Vote for one).

- ALBERT C. CARP ... Democratic
- JAMES L. WELLS ... Republican
- HOMER D. CALL ... {Progressive / Ind. League}
- JAMES C. SHEAHAN ... Socialist
- EDWARD A. PACKER ... Prohibition
- ANTHONY HOUTENBRINK ... Social Labor

6 ATTORNEY GENERAL (Vote for one).

- JAMES A. PARSONS ... Democratic
- EGBURT E. WOODBURY ... Republican
- ROBERT H. ELDER ... Progressive
- FREDERICK HALLER ... Socialist
- WALTER T. BLISS ... Prohibition
- EDWARD R. O'MALLEY ... Ind. League
- JOHN HALL ... Social Labor

7 STATE ENGINEER AND SURVEYOR (Vote for one)

- JOHN A. BENSEL ... Democratic
- FRANK M. WILLIAMS ... Republican
- LLOYD COLLIS ... Progressive
- VLADEMIR KARAPETOFF ... Socialist
- JAMES ADAMSON ... Prohibition
- JOHN MARTIN ... Ind. League
- AUGUST GILLHAUS ... Social Labor

8 ASSOCIATE JUDGE OF THE COURT OF APPEALS (Vote for one).

- SAMUEL SEABURY ... {Democratic / Progressive / Ind. League}
- EMORY A. CHASE ... Republican
- LOUIS B. BOUDIN ... Socialist
- COLERIDGE A. HART ... Prohibition
- EDMUND SEIDEL ... Social Labor

9 UNITED STATES SENATOR (Vote for one).

- JAMES W. GERARD ... {Democratic / Ind. League}
- JAMES W. WADSWORTH, JR. ... Republican
- BAINBRIDGE COLBY ... Progressive
- CHARLES EDWARD RUSSELL ... Socialist
- FRANCIS E. BALDWIN ... Prohibition
- ERWIN A. ARCHER ... Social Labor

10 JUSTICES OF THE SUPREME COURT FOR THE FIRST JUDICIAL DISTRICT (Vote for two).

- P. HENRY DUGRO ... {Democratic / Ind. League}
- BARTOW S. WEEKS ... {Democratic / Ind. League}
- ISIDOR WASSERVOGEL ... {Republican / American}
- JOHN R. DAVIES ... {Republican / American}
- JAMES C. MEYERS ... Progressive
- HUGH GORDON MILLER ... Progressive
- S. JOHN BLOCK ... Socialist
- NICHOLAS ALEINIKOFF ... Socialist
- CHARLES E. MANIERRE ... Prohibition
- GEORGE K. HINDS ... Prohibition
- LEON SANDERS ... Independent

11 JUSTICE OF THE CITY COURT—To fill vacancy expiring December 31, 1921 (Vote for one)

- EDWARD B. LA FETRA ... {Democratic / Ind. League}
- LLOYD PAUL STRYKER ... {Republican / American}
- HENRY K. DAVIS ... Progressive
- IRVING OTTENBERG ... Socialist

12 JUSTICE OF THE CITY COURT—To fill vacancy expiring December 31, 1919 (Vote for one).

- JAMES A. ALLEN ... {Democratic / Ind. League}
- CHARLES H. GRIFFITHS ... {Republican / American}
- MICHAEL SCHAAP ... Progressive
- LEON A. MALKIEL ... Socialist

13 REPRESENTATIVE IN CONGRESS—Eighteenth Congress District (Vote for one).

- THOMAS G. PATTEN ... {Democratic / Ind. League}
- GEORGE B. FRANCIS ... {Republican / Progressive}
- ERNEST RAMM ... Socialist
- JOHN A. SHEDD ... Prohibition

14 SENATOR—Sixteenth Senate District (Vote for one).

- ROBERT F. WAGNER ... {Democratic / Ind. League}
- LYLE EVANS MAHAN ... {Republican / Progressive}
- GEORGE STEINHARDT ... Socialist
- HARRY G. HARRIS ... Prohibition

15 MEMBER OF ASSEMBLY—Twenty-second Assembly District (Vote for one).

- MAURICE BLOCH ... {Democratic / Ind. League}
- WILLIAM J. SEIFERT ... Republican
- BENJAMIN E. MOORE ... Progressive
- EDWARD F. CASSIDY ... Socialist
- FRANK BORTLIK ... Prohibition

THE MODIFIED MASSACHUSETTS TYPE OF BALLOT USED IN NEW YORK, 1914

affairs, to take and maintain permanently an intelligent interest in the nomination and election of suitable persons to public office. Furthermore, they go far toward explaining the existence, usefulness, and perpetual influence of the professional-politician class who devote most of their time to politics and make it their business to assist in making nominations and in electing their candidates.

(2) The election of local, state, and federal officers on the same day, with their names appearing on the same ballot as a rule, has often resulted in serious confusion of national, state, and local issues, to the detriment and injury of the state and locality. To remedy this, some states have so arranged their elections that the leading state and local officers are chosen in the intervals between presidential or congressional elections. In the State of Illinois, however, elections have been so split up as to create a situation almost, if not quite, as confusing and unsatisfactory as existed when all officers were elected on the same day, and one which is much more expensive to the taxpayers.[1] In that state ten regular elections are authorized by law within a period of two years; and in some parts of the state seven of these occur each year.[2] This separation of elections has helped voters to some extent by reducing the number of offices to be filled at one time; but in other respects the voter's burden has been increased by the number of separate local elections. Of these there are so many that the most conscientious voter can seldom attend them all and vote intelligently.

Concurrence of Local, State, and National Elections.

[1] Election costs in Chicago and Cook County increased from less than $300,000 in 1896 to almost $1,000,000 in 1912. Between 1912 and 1916 election expenses exceeded $2,000,000; while for 1920 the total cost came to $2,233,170.11. Chicago Bureau of Public Efficiency, *The High Cost of Elections in Chicago and Cook County* (pamphlet, 1921).

[2] Primary elections in cities (February), drainage district elections (March), township primary (no time fixed by law), town and road district elections (April), school trustees election (April), city and village elections (April), school directors and boards of education election (April), supreme and circuit court judges election (June), general state primary and election every second year (April, November). Illinois Constitutional Convention *Bulletin*, No. 12 (1920), pp. 1035–1037.

(3) The movement for the separation of national from state and local elections is only one manifestation of a widely held belief that the projection of national party lines into the field of state and local politics, found in practically all our states and probably a majority of our cities, is not only illogical but unjustifiable, and responsible for much inefficiency in our state and local governments and for the existence in many populous communities of unscrupulous and corrupt political machines masquerading under the name Republican or Democrat. This feeling has grown to such proportions in the past decade or two as to result in the wide adoption of the so-called non-partisan ballot, *i. e.*, a ballot bearing no indication of the party affiliations of the candidates whose names appear thereon.[1]

National Party Lines in State and Local Elections.

The non-partisan ballot is employed principally in the election of municipal officers, especially in commission-governed cities, of judges of state or municipal courts, of members of the legislature in Minnesota and North Dakota, and of here and there a state executive officer.[2] In California, since 1910, all city and county officials have been elected on a non-partisan ballot; and in 1915 a noteworthy attempt was made to bring about the non-partisan election of all state officers as well; but in a referendum the measure failed of adoption.[3] In 1919 North Dakota adopted the non-partisan system for the nomination and election of all county officers, judges of the supreme and district courts, and state and county superintendents of public instruction, and, in 1923, included members of the legislature and all other state officers. In Pennsylvania also the non-partisan ballot was recently used.

Non-Partisan Elections.

[1] See Chapters IV and VI. If a non-partisan election occurs on the same day with a partisan election, it is customary to print the non-partisan ticket on a separate ballot. In Pennsylvania, however, the names of all candidates appeared on one ballot, but the non-partisan candidates were set off in a box by themselves without any party designations.

[2] See R. E. Cushman, "Non-Partisan Nominations and Elections," *Annals*, CVI, 83–96 (1923).

[3] For a summary of Governor Hiram Johnson's message recommending the adoption of this measure, see *Am. Pol. Sci. Rev.*, IX, 313–315 (1915). A similar amendment will be voted upon in Nebraska in November, 1924.

for the nomination and election of city officials except in Philadelphia, also for the selection of judges of the municipal court in Philadelphia and of the superior and supreme courts throughout the state.

Wherever the non-partisan ballot has been adopted, it has generally been assumed by its advocates that the influence of national party organizations will be entirely eliminated from such elections, or at any rate will be reduced to a minimum. In many instances this has turned out to be the case, especially in relatively small communities. But in large cities or states where there are highly developed party machines at work the year round, the result has been, and is always quite likely to be, entirely different. The experience of Philadelphia and the state of Pennsylvania, for example, in the choice of judges has proved that the power of political machines is only slightly, if at all, curbed by the new system. "The pretense of non-partisanship compelled candidates for judicial office to engage in political struggles thoroughly incompatible with the spirit of judicial non-partisanship." The parties still had their candidates, party machinery was openly used in their behalf, and the results reflected not the untrammelled judgment of the voters, but the manipulation of shrewd politicians and often the expenditure of large campaign funds.[1] For upward of ten years this sort of thing continued, but in 1919 and 1921 the farce ended with the restoration of partisan election of judges and also of municipal officers.[2]

Practical Operation.

(4) Another serious defect in our election system is the vast number of offices filled by popular vote. Add to this the fact that there is seldom an election in which there are not two or more candidates for the same office, and the task of the voter in making an intelligent choice becomes exceedingly complicated, if not impos-

Excessive Number of Elective Offices.

[1] Editorial Philadelphia *Public Ledger*, November 17, 1914.

[2] Iowa also had non-partisan election of judges for a few years, but gave up the system in 1917. See also V. Rosewater, "Omaha's Experience with the Commission Plan," *Nat. Mun. Rev.*, X, 281–286 (1921).

sible of performance. In a recent election in New Jersey, for example, the official ballot contained the names of 164 candidates. It is doubtful if in any state a ballot can be found with a more maddening maze of names than the one used in Cook County, Illinois, in the presidential election of 1912. The ballot measured 19 by 30¾ inches and contained the names of 423 candidates grouped in six party columns. In addition, there was a seventh blank column headed "Independent." These candidates were running for 81 different offices: 29 presidential electors, 15 state and federal offices, 22 county and sanitary district offices, and 15 municipal offices.[1] But this indicates only a part of the burden imposed upon the voters of Cook County. In Chicago alone there are 417 elective offices; in the larger area of the sanitary district there are 1,640; and in the entire county there are 2,557. Of course no single voter is expected to vote for that large number, but every voter in Chicago is expected to vote for at least 178 different officials in a period of about nine years; while in other parts of the county a voter is supposed to have a voice in filling from 172 to 197 different positions in the same length of time. . In other parts of Illinois, from 35 to 70 officials are elected at one time, so that the ballots of "down-state" counties often contain the names of 200 candidates.[2]

Grave consequences have followed from this multiplicity of elective offices with the resulting complex and confusing ballot.

As *Results* We Have: (*a*) "Blind" Voting.

It is absolutely impossible for any considerable number of voters to form an intelligent opinion of the merits of a long list of candidates, even where elections occur at rare intervals, much less when they occur with their present frequency; so that at almost

[1] The ballot used in 1916 in the tenth congressional and sixth senatorial districts (in Cook County) measured 36 by 19 inches and contained the names of 268 candidates for 60 different offices. The ballot used in the same district in 1920 measured 36 by 29 inches and contained the names of 369 candidates for 64 different positions.

[2] Illinois Constitutional Convention *Bulletin*, No. 11 (1920), p. 935; No. 12, p. 1036. See also C. A. Beard, "The Ballot's Burden," *Pol. Sci. Quar.*, XXIV, 588 (1909).

every election there is a large number of candidates about whom even intelligent and conscientious voters know very little, if anything. The following illustrations show in what complete ignorance of the qualifications, even of the very existence, of candidates many voters act. Not many years ago at a direct primary held in Massachusetts there was a Progressive Democratic party in addition to the regular Democratic party. In Winthrop the Progressive Democrats omitted to name any one as candidate for the legislature. For this office, however, one unknown voter in Winthrop at the primary election wrote on his ballot the name "James O'Connell" on the Progressive ticket. Since no other nominations were made by that party, this single vote constituted the highest number of votes on the Progressive ticket for that office. The secretary of state, therefore, acting in conformity to the law, had the name "James O'Connell" printed on the official ballot for the district. At the regular election which followed, "James O'Connell" received 735 votes in the district, 316 of which were cast in Winthrop. It was afterward discovered that no such person as "James O'Connell" existed in that district. Nevertheless, he had beaten one real man on the ticket, although he was not elected. Oil City, Pa., a few years ago nominated and actually *elected* a dead man. At Wheatland, in the same state, although a certain candidate for justice of the peace died about two weeks before election in 1912, he received more votes than any other candidate. Philadelphia has several times elected imaginary men to some of the petty offices with which the long Pennsylvania ballots are burdened as a means of facilitating and concealing election frauds.[1] At the Taylor County primary in Iowa in 1916 a man who had been dead for six years was nominated for the legislature on the Democratic ticket, and received 1,300 Democratic votes. The latest instance, perhaps, of blind voting to come to public attention occurred in Wilkinsburg, Pa., where a man who had never existed was elected to the office of assessor in 1923. In some unexplained manner the name of "J. J. Weldin" appeared on

[1] *Short Ballot Bulletin*, February, 1912.

the ballot, and he was elected; but after a month's search it was discovered that no such person ever lived there. Whereupon the office was declared vacant and a new appointment made.[1]

(*b*) Merits of but Few Candidates Discussed.

Another result of our long list of elective offices is that the only candidates whose merits receive serious consideration on the stump and in the press during a political campaign are those who are running for the office of mayor in a city election or for that of governor in a state election, and the presidential candidates. There is a concentration of interest and discussion upon these leading candidates to the neglect of practically the entire balance of the ticket, including candidates for those important bodies which enact public opinion into law, namely, the city council, the state legislature, and Congress; candidates for county offices unfortunately attract practically no attention at all.

(*c*) "Boss" and "Machine" Control of Nominations.

Furthermore, the great number of elective offices necessitates "slates" and combinations, and constitutes one of the bulwarks of machine politics. Offices have to be filled and nominations have to be made; somebody, therefore, must discover when each officer's term expires and see to it that the names of candidates are on the ballot in due form according to the provisions of the election law.[2] Since the average voter is too busy with his own affairs, the professional politicians have taken the matter into their hands. The result is that at the regular election (except where the direct primary prevails, and often even there) the ballot has become only a ratification of the "slates" made by the experts and not the express will of the voters. Taking advantage of the inability of the voters to discriminate when there is a large number of candidates, the politicians judiciously select a few honest and respectable candidates to head the ticket, confidently expecting that their popularity will carry into office a large number of incompetents or rascals who are candidates for the minor offices.

[1] *Nat. Mun. Rev.*, XII, 219 (1923).

[2] Beard, *op. cit.*

"The folly of obliging the people to decide at the polls upon the fitness of a great number of persons lies at the bottom of almost all the misgovernment from which we suffer not only in cities but in the states." [1] Good government is mainly a matter of getting the right men elected to office; nothing else is more vital. To achieve this candidates should be subjected to the maximum amount of concentrated public scrutiny at the election.[2] There is a false notion, widely prevalent and promoted by the professional politicians, that the more elective offices we have the more democratic is our government. On the contrary, the inability of the average voter to attend to the work of making nominations for many offices and to discriminate between the candidates nominated has virtually resulted, especially in our great cities, in government by an oligarchy of professional politicians. In reality our government would be more democratic if we elected only a few officers and gave them the power to fill by appointment the vast majority of the offices which are now filled by election. The functions performed by the majority of elective officials are purely administrative or ministerial and are quite minutely prescribed by statute. Practically none of their duties are of a discretionary nature or depend upon their political views.[3] No good reason can be advanced why purely administrative officers, like auditors, treasurers, and secretaries, should be elected, for they have no large discretionary power and no share in shaping the policy of the administration. By concentrating public attention upon the merits of the candidates for the most important and policy-determining offices, it is believed that vastly better and more democratic government would result.

Best *Remedy* the "Short Ballot."

The short ballot movement is the name given to the reform movement which aims to bring about a reduction in the number of elections and elective offices and thus to simplify and shorten our present "blanket"

[1] Quoted in Beard, *op. cit.*
[2] R. S. Childs, *Outlook*, XCII, 635 (1909).
[3] Beard, *op. cit.*

ballots. In order to obtain an intelligent study of candidates and, therefore, more intelligent voting, "we must shorten the ballot to a point where the average man will vote intelligently without giving to politics more attention than he does at present." That means making it very short. The average voter can probably remember the relative merits of about five sets of candidates, but no more.[1] The vast majority of elective offices, the less important ones, must be taken from the ballot and made appointive. So far from being undemocratic, this would be merely applying to municipal and state politics the system prevailing in connection with the federal offices. Only the president, vice-president, senators, and representatives in Congress, out of nearly 550,000 federal office-holders, are voted for directly or indirectly by the people. All the rest are appointed, not elected. Already, therefore, we have the short ballot in our federal system, and no one thinks of calling our federal government undemocratic.

The effort to obtain the short ballot should begin in a reform of the central government of the states, by giving the governor power to appoint all the executive officials just as the president of the United States appoints the heads of departments. Such a reform will necessitate a thorough revision of most of our state constitutions and city charters and the repeal, amendment, or consolidation of a host of statutes. To surmount the obstacles always encountered by a movement for constitutional revision, and to overcome the active and practically universal opposition of political machines and professional politicians, will require much time and patient, persistent effort. In the meantime the spread of commission government, including the city-manager plan for cities, will do much to familiarize the public with the advantages of the short ballot.[2]

[1] R. S. Childs, *op. cit.*

[2] A number of states have recently shortened the ballot in presidential elections by omitting the names of presidential electors. The names of presidential and vice-presidential candidates appear on the ballot, and the governor issues a certificate of election to the electors of the party which carries the state. The actual selection of presidential electors is left to the several party central committees.

While we are waiting for the arrival of the "short ballot," however, something might be done to enable voters to mark their long ballots on election day more intelligently. The practice adopted in a few states of mailing a sample ballot to each voter before the day of the primary or election should become universal, for it affords a much better opportunity than most voters now have to ascertain who are the different candidates and to make inquiries concerning their respective qualifications before going to the polls.

Mailing Sample Ballots.

With respect to qualifications of candidates, however, one has to admit that sample ballots themselves convey about as little useful information as can be imagined. They generally tell where a candidate lives—and that is a useful bit of information—but they and the regular ballots likewise are absolutely unenlightening upon other points. The ballot should also tell something concerning the education of the candidates, whether common school, high school, professional, or university; it should tell whether candidates have ever held any other elective or appointive offices, what their occupations are, and perhaps their age also. At least this amount of information is essential to our forming an intelligent opinion respecting their qualifications, and it could be presented upon the ballot in a very concise form. The ballot's area might be increased somewhat, but any such inconvenience would be more than offset by its enhanced usefulness. Mere size is not what the voter objects to now, but the confusion resulting from the absence of any guide in voting other than the party designation and the candidate's address.[1] With the additional information suggested above a degree of interest would be imparted to the study of sample ballots by the voters in their homes or places of business which is now entirely lacking. Such a "Who's Who" ballot would look something like

A "Who's Who" Ballot.

[1] Merely typographical changes in some states, Illinois, for example, would tend to clarify the ballot and eliminate the present blurred effect caused by failure to set off each group of candidates in party columns by a wide space from the names which precede and follow.

this, to take only a single office and two party columns for illustration.

REPUBLICAN	DEMOCRATIC
MEMBERS OF THE BOARD OF ASSESSORS (Two to be elected)	
JOHN JONES, Residence, 1000 Halstead St., Chicago. Age, 22. Occupation, civil engineer. Education, college graduate. Offices held, none.	RICHARD ROE, Residence, 2000 Wilson Ave., Chicago. Age, 65. Occupation, lawyer. Education, high school, law school. Offices held, alderman one term, corporation counsel.
THOMAS SMITH, Residence, 3000 Chicago Ave., Chicago. Age, 40. Occupation, retail grocer. Education, common school. Offices held, park com'r, county com'r.	JAMES DOE, Residence, 4500 So. Michigan Ave., Chicago. Age, 35. Occupation, real estate. Education, high school, business college. Offices held, assessor one term.

With our present form of ballot and restricted distribution of sample ballots, what chance is there of an average voter finding out these few facts for himself? Unless he happens to know one or more of the candidates, unless he has happened to hear their merits discussed, unless he has *happened* to see something somewhere in some newspaper or has been approached personally by a candidate or one of his workers, the chances are that he is totally in the dark as to their qualifications. If we are doomed to have the long ballot indefinitely, we can at least insist that it shall become a medium of information and enlightenment.

(5) It is a principle of democratic government that elective offices shall be filled in accordance with the wishes of a majority of the voters. Our well-nigh universal system of plurality elections often violates this principle; for when there are three or more candidates for the same office, it commonly happens that the candidate elected has only a minority of the votes.

Plurality Elections.

Practically nothing has been accomplished in our national, state, and county elections toward substituting majority for plurality rule; but in city elections considerable progress has been made through the adoption of a system of *preferential voting*. After its adoption in

Preferential Ballots.

Idaho and in Grand Junction, Colo., about 1909, preferential voting spread rapidly for a few years until by 1917 it was in use in over fifty cities, varying in population from less than 5,000 in the case of some New Jersey cities to over 560,000 in the case of Cleveland.[1]

The Bucklin System.

Under the Bucklin[2] system, which, with slight variations, is the one employed in American cities, the ballot used is the Massachusetts type, except that instead of one column after the names of candidates there are usually three, headed "first choice," "second choice," and "other choices." In marking his ballot, the voter places a cross after the name of the candidate of his first choice in the first-choice column, after the name of his second choice in the second-choice column, and for the third and other choices in the third column. Only one choice may be voted for one candidate. Nominations are always made by petition. If any candidate is found to have a majority of the first-choice votes, he is declared elected, and that contest is ended. If no candidate secures a majority of first-choice votes, the result is determined in one of two ways: (1) The first and second choice votes of each candidate are added together. If no candidate secures a majority of these combined choices, then to the first and second choice votes are added the third-choice votes, and the candidate now having the *highest* number is usually declared elected. The result thus obtained is generally a majority choice. (2) According to the other system of counting, if no candidate has a majority of the first-choice votes, the candidate with the smallest number of first-choice votes is discarded. The votes cast for this candidate are then distributed

[1] See *Nat. Mun. Rev.*, IV, 483 (1915); *ibid.*, V, 104 (1916); and *ibid.*, VI, 107 (1917). In Cleveland the preferential ballot has been superseded by the Hare system of proportional representation for the election of members of the city council. For comments upon the operation of the preferential ballot in Cleveland before 1923, see *Am. Pol. Sci. Rev.*, XVI, 84–86 (1922). Other large cities which have recently adopted the preferential ballot are San Francisco, Spokane, Portland, Denver, Columbus, and Jersey City.

[2] So called in recognition of its originator, Honorable James W. Bucklin, of Grand Junction, Colo.

among the candidates whom these voters designated as their second choice. This process of elimination and distribution is continued until one candidate has received a majority of the votes cast for that office or until only one candidate is left.

Merits.

The most impressive claims advanced on behalf of preferential voting are as follows: (a) Where it has been substituted for the direct primary, it simplifies and lessens the expensiveness of the electoral process by reducing the number of elections by one-half. (b) By giving each voter a much wider range of choice among candidates, it has a tendency to emphasize issues as against personalities, and thus tends to reduce personal attacks and recrimination. (c) With the possible exception of the system of non-partisan nominations and elections, described in an earlier chapter,[1] preferential voting comes the nearest of any system yet devised to election by absolute majority. This, however, cannot always be obtained, especially in first elections in large cities, as has been proved by the experience of Denver, Spokane, and Portland, Ore. Even in such cases it is claimed that preferential voting justifies itself by insuring a plurality obtained in a free and open contest in which each voter may vote for every candidate to his liking and need vote against no such candidate. A plurality obtained under such circumstances is very unlikely to be an antimajority plurality.[2] The system of preferential voting is, of course, not without its defects, but where it has been tried for municipal elections it seems to have produced results quite as satisfactory as the old plurality system.

Proportional Representation.

Bearing a striking resemblance to the preferential system of voting, yet essentially different, is the system of proportional representation which has recently been adopted in a number of cities beginning with Ashtabula (Ohio), in 1916, and including Kalamazoo (Mich.), Boulder (Colo.), Sacramento (Cal.), Cleveland (Ohio), and a number of

[1] Chapter VI.

[2] Professor Lewis J. Johnson, "The Preferential Ballot as a Substitute for the Direct Primary," *Senate Documents*, 63d Congress, 3d session, No. 985 (1915).

BALLOT ILLUSTRATING PREFERENTIAL VOTING
(Bucklin System)

INSTRUCTIONS.—To vote for a candidate make a cross (X) in the appropriate space.

Vote your FIRST choice in the FIRST column.

Vote your SECOND choice in the SECOND column.

Vote ONLY ONE FIRST choice and ONLY ONE SECOND choice for any one office.

Vote in the THIRD column for ALL THE OTHER CANDIDATES whom you wish to support.

DO NOT VOTE MORE THAN ONE CHOICE FOR ONE PERSON, as only one choice will count for any candidate.

ONE TO BE ELECTED FOR EACH OFFICE

United States Senator	First Choice (Not more than one)	Second Choice (Not more than one)	Other Choices (As many as you wish)
A. J. Beveridge			
Henry Ford			
Lynn J. Frazier			
Carter Glass			
Hiram Johnson			
R. M. LaFollette			
Henry Cabot Lodge			
Truman H. Newberry			
George W. Pepper			
Oscar M. Underwood			
Thomas J. Walsh			
James M. Wadsworth			

Governor	First Choice (Not more than one)	Second Choice (Not more than one)	Other Choices (As many as you wish)
Charles W. Bryan			
F. M. Davenport			
Charles G. Dawes			
Herbert Hoover			
Frank O. Lowden			
Wm. G. McAdoo			
Gifford Pinchot			
Alfred E. Smith			

Mayor	First Choice (Not more than one)	Second Choice (Not more than one)	Other Choices (As many as you wish)
Newton D. Baker			
George S. Buck			
Wm. E. Dever			
Wm. R. Hearst			
John F. Hylan			
Brand Whitlock			

Alderman	First Choice (Not more than one)	Second Choice (Not more than one)	Other Choices (As many as you wish)
Robert Black			
Antony Donatelli			
Henry Fleischman			
Morris Goldstein			
William Johnson			
Michael O'Sullivan			
Ivan Polisaki			

Canadian cities.[1] The main purpose of proportional representation is to correct one of the defects incident to the election of members of legislative bodies[2] from single-member districts by a mere plurality vote. Senators and representatives in our state legislatures and councilmen in our cities are generally chosen in small, single-member districts;[3] and the candidate who secures the highest vote in his district wins. This often means, both in the case of the legislature and the city council, that there are large minorities—even majorities if the votes have been divided among more than two candidates or parties—who are left without any direct representative in the body which is supposed to "represent" the wishes of the majority of the voters in the state or city. Leaving such minorities (or majorities) without any direct share in the determination of public policy seems inconsistent with present-day democratic ideals. At this point proportional representation steps in and affords the opportunity for every considerable body of people who think alike about public questions or candidates to be represented in the city council or state legislature in nearly exact proportion to the number of votes which each group polls in the election of members to these lawmaking bodies; hence the name, *proportional representation.*

There are several systems of proportional representation, and they all seem very complicated to one who studies them for the first time—far more so than our present electoral system. But

[1] As tried in Kalamazoo, the system was declared unconstitutional by the state supreme court; and the same thing occurred in 1922 in the case of Sacramento. On the questions of constitutional law which have been raised, see W. Anderson, "The Constitutionality of Proportional Representation," *Nat. Mun. Rev.* (Supplement), XII, 745–762 (1923).

In Europe and other parts of the world proportional representation has been much more widely adopted than in this country. It is in operation in Belgium, Switzerland, Sweden, Denmark, the German Republic, Czechoslovakia; and, in a qualified form, in France. In Italy also the system was tried for a short time very recently.

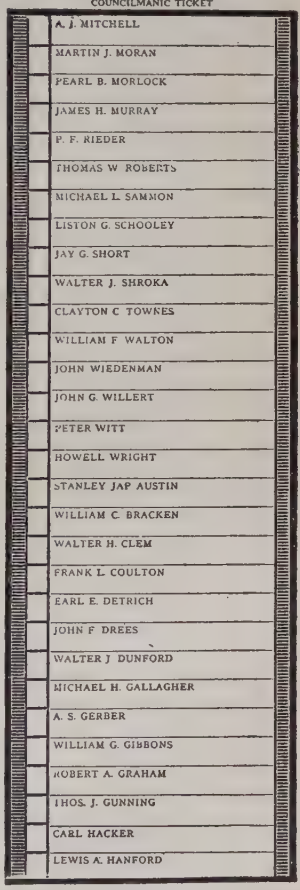
[2] Proportional representation can of course be applied to the election of members of boards and commissions as well as to legislative bodies, although, as matter of fact, its use is almost wholly confined to the latter.

[3] The situation is the same when two aldermen are elected—one every year—from each ward in the city.

like a great many other things that at first appear very involved, the essential features of proportional representation are not difficult to grasp. The system used in American cities is called the Hare system, after the name of the Englishman who devised it many years ago,[1] and is a combination of preferential voting and proportional representation. Where it is used in this country all members of the city council or commission are elected by the voters of the entire city, except in Cleveland, where, on account of the size of that city, members of the council are chosen from four districts, two districts electing seven, and the others five and six members, respectively. The names of candidates are printed on the ballot in alphabetical order, and without party designations. Each voter is permitted to indicate as many preferences as he pleases, although he is not *required* to indicate more than his first choice if he does not wish to. Pref-

The Hare System.

[1] The contrasting system is called the list system, and is the one commonly used in Europe in parliamentary elections. Politicians in this country would doubtless prefer it to the Hare system because under it party organizations are able to play a larger part in determining the result of an election than under the Hare system. For a brief explanation of the list system, see Ogg and Ray, *Introduction to American Government* (1922), pp. 586–587.



CLEVELAND
REGULAR CITY ELECTION
District 1—8 M November 6, 1923

DIRECTIONS TO VOTERS

Put the figure 1 opposite the name of your choice. If you want to express also second, third and other choices, do so by putting the figure 2 opposite the name of your second choice, the figure 3 opposite the name of your third choice, and so on. In this way you may express as many choices as you please. The more choices you express, the surer you are to make your ballot count for one of the candidates you favor.

This ballot will not be counted for your second choice, unless it is found that it cannot help your first choice; it will not be counted for your third choice unless it is found that it cannot help either your first or your second, etc.

The ballot is spoiled if the figure 1 is put opposite more than one name. If you spoil this ballot, tear it across once, return to the election officer in charge of the ballots, and get another one from him.

COUNCILMANIC TICKET

	A. J. MITCHELL
	MARTIN J. MORAN
	PEARL B. MORLOCK
	JAMES H. MURRAY
	P. F. RIEDER
	THOMAS W. ROBERTS
	MICHAEL L. SAMMON
	LISTON G. SCHOOLEY
	JAY G. SHORT
	WALTER J. SHROKA
	CLAYTON C. TOWNES
	WILLIAM F. WALTON
	JOHN WIEDENMAN
	JOHN G. WILLERT
	PETER WITT
	HOWELL WRIGHT
	STANLEY JAP AUSTIN
	WILLIAM C. BRACKEN
	WALTER H. CLEM
	FRANK L. COULTON
	EARL E. DETRICH
	JOHN F. DREES
	WALTER J. DUNFORD
	MICHAEL H. GALLAGHER
	A. S. GERBER
	WILLIAM G. GIBBONS
	ROBERT A. GRAHAM
	THOS. J. GUNNING
	CARL HACKER
	LEWIS A. HANFORD

PORTION OF CLEVELAND PROPORTIONAL REPRESENTATION BALLOT, NOVEMBER, 1923.

erences are indicated, not by crosses, as on the ordinary preferential ballot, but by figures, 1, 2, 3, etc., placed opposite a candidate's name. This is the preferential feature spoken of above. The *proportional* feature appears in the method of determining the result of the election. After the ballots have all been sorted according to the indicated first choices, the total number of valid ballots is divided by the number of places to be filled plus one, and the quotient[1] becomes the "electoral quota," which each candidate must receive in order to be elected. Candidates who are found to have received a number of first-choice votes equal to the electoral quota are declared elected. If any candidate receives more than the quota, the surplus votes, instead of lying idle, are made to assist, so far as possible, in the election of some other candidates in accordance with the second choices indicated on the surplus ballots. If, with these additions to his first-choice votes, a candidate has a number equal to the quota, he is declared elected, any surplus votes remaining being distributed so far as possible in accordance with other choices indicated thereon. If no one obtains the quota after distributing surplus votes, the candidate standing lowest is declared defeated, and his ballots are distributed so far as possible among other candidates in accordance with indicated second choices. This process of elimination is continued until as many candidates obtain the quota as there are places to be filled. If, however, as commonly happens, a point is reached where no more candidates are left than there are seats to be filled, the survivors are declared elected, even though some of them fail to receive the electoral quota.[2]

Proportional representation seems, in general, to be working

[1] Strictly speaking, the next *whole* number.

[2] This seemingly complicated procedure will be more easily understood by reading one or two of the excellent accounts of recent proportional elections in Ashtabula and Cleveland; for example, "First Proportional Election in the United States," *Proportional Representation Review*, January, 1916, pp. 18–22; A. R. Hatton, "The Ashtabula Plan—the Latest in Municipal Organization," *Nat. Mun. Rev.*, V, 56–65 (1916); H. M. Rocca, "How Cleveland's First Proportional Representation Ballots Were Counted," *Nat. Mun. Rev.*, XIII, 72–77 (1924).

satisfactorily in the cities where it is now in operation; but with the exception of Cleveland, none of these places are very large. Whether the system will work equally well in places as large or larger than Cleveland (where it has been tried only once, November, 1923), cannot be predicted with any degree of confidence. It is only fair to say that, although theoretically proportional representation has much in its favor, there is some reason to feel that its merits, at least so far as American cities are concerned, have been somewhat exaggerated.[1]

Importance of Educating Voters.

In bringing to an end this somewhat lengthy discussion of the main features of our election system, the point should be stressed that no attempted perfection of our election machinery can work lasting improvement in government "if the voter remains ignorant of public issues, or if large classes of the most intelligent citizens fail to vote and refuse to seek office. The effect of such abstention from the polls is to throw the control of politics into the hands of professional politicians, whose chief concern is to provide themselves with a living. This would not matter so much if they were possessed of talent which enabled them to serve the public's interest while serving their own; but this is usually not the case, and to-day it is from the general incompetence of politicians, rather than from their occasional dishonesty, that the cause of good government has more to fear. . . ."[2]

QUESTIONS AND TOPICS

1. What was the expected and the actual effect of the adoption of the Australian ballot in the United States upon corruption and intimidation at the polls? (See Ostrogorski, II.)

2. The history of the adoption of a written or printed ballot in England.

[1] In this connection, see H. G. James, "Proportional Representation: A Fundamental or Fad?" *Nat. Mun. Rev.*, V, 256–272 (1916); H. L. McBain, "Proportional Representation in American Cities," *Pol. Sci. Quar.*, XXXVIII, 281–298 (1922); also J. H. Humphreys, "Proportional Representation," *Nat. Mun. Rev.*, V, 369–379 (1916), a reply to Professor James's article, above.

[2] Hammond and Jenks, *Great American Issues* (1921), p. 30.

3. The advantages of the Massachusetts type of ballot. (See Jones.)

4. In what presidential elections has the independent vote apparently played a decisive part?

5. The Levy election law in New York (1911) and its defects. (See Bard.)

6. The "Wilson ballot" in Maryland politics. (See Bradley.)

7. The coupon form of ballot authorized in Wisconsin in 1910. (See Ludington.)

8. Voting-machines: where authorized, how operated, advantages and disadvantages.

9. Collect all the arguments you can for and against party "regularity" and independent voting.

10. Instances where violence and intimidation have been resorted to in elections. (See Jones.)

11. College students as volunteer "watchers" in city elections. (See Intercollegiate Civic League *Reports*, 1909–10.)

12. Trace the increase in the number of elective offices in various states.

13. Make a complete list of all the officers and delegates elected in your town (city) and county every four years, indicating when the term of each officer expires.

14. What steps are prescribed by law in your own state for the official canvass of votes for state and county officers and for contesting elections?

15. Ascertain as accurately as possible the cost of primaries and elections to the taxpayers of your state, county, and town.

16. How do newspapers report the result of elections? (See Mygatt, Stoddart.)

17. Absent-voting in the federal army during the Civil War. (See Benton.)

18. What points of difference in the various absent-voters' laws may be noted in addition to those mentioned in the text?

19. Why are national party lines maintained in connection with municipal elections? What evils have resulted?

20. Ought partisan politics to be entirely eliminated from city elections? (See Munro.)

21. What are the arguments for and against the maintenance of purely municipal parties?

22. What has been the effect of the non-partisan ballot upon partisanship in elections?

23. The proposed Oregon plan of 1912 for a short ballot. (See *American Year Book, 1912*, pp. 67–68.)

24. What provisions were made by various states during the

World War to enable persons in the service of the government to vote *in absentia?*

25. What proposals have been made in your own state or neighboring states for a shorter ballot?

26. In case offices which are now filled by election should be made appointive, what would be the best method of filling them?

27. The use of schoolhouses as voting-places. (See Pink, Ward.)

28. How are polling-places and polling officers theoretically, and actually, selected in your own county?

29. Draft as complete and workable a plan as you can for the selection of properly qualified polling officials.

30. Are the "cards of instruction" in use in your community really helpful to voters or otherwise? If not, what changes can you suggest that would render them of real value?

31. The voting-machine controversy in Chicago, 1911–12.

32. Ascertain so far as possible the number of persons in your own county and state that have taken advantage of the absent-voting law in recent elections.

33. On what grounds did the Kentucky supreme court hold that the absent-voting law of 1918 was unconstitutional? See Clark *v.* Nash, and Lyon *v.* Nash, 192 Ky. 594 (1921.)

34. Summarize the arguments for and against the wider adoption of a system of voting by mail in connection with primaries and elections.

35. On what grounds have the courts upheld or denied the constitutionality of laws or charters establishing the preferential system of voting? (See *Nat. Mun. Rev.*, *Harvard Law Rev.*)

36. Examine recent election statistics in your own state and see what, if any, advantage accrued to candidates whose names stood at the top of a list of candidates over those whose names were at the foot of the list for the same office.

37. On what grounds have state courts upheld or denied the constitutionality of proportional representation? (See Anderson.)

38. What organizations or agencies other than parties make special efforts in your community to educate the voters before elections and primaries?

PART FOUR

THE PARTY IN POWER

CHAPTER XIV

THE SPOILS SYSTEM. ITS ORIGIN AND DEVELOPMENT. EVILS OF THE SYSTEM

THE immediate object of political parties is to obtain control of the local, state, or national government through the carrying of elections. By statesmen this end is ardently sought because it will afford opportunity for enacting into law the policies or principles to which their party stands committed, and will render possible the proper enforcement of those laws and the execution of those policies through administrative officers who are in sympathy with them. By the mere party worker, by the "practical" or "machine" politician, on the other hand, the control of the government is sought from quite different motives. He has continually in mind a fact which the average citizen rarely considers, namely, that, whereas the number of elective offices is relatively small, there is a veritable host of minor offices filled by appointment, and that the appointments to these offices are made by the comparatively few elected officers. The practical politician knows that there is scarcely an elected official in the United States who does not have the right to appoint one or more subordinates. So while the average citizen is weighing the respective personal merits of A, B, C, and D as candidates for president, governor, mayor, or member of Congress, or decides to vote for them in preference to W, X, Y, and Z, because of the policies for which they stand, the practical politician supports A, B, C, and D simply because they are the men regularly named or indorsed by his party organization, and because it is

Motives of Statesmen and Mere Politicians.

to his interest to give loyal support at all times to the candidates of his party regardless of qualifications or policies—matters to which, indeed, he seldom gives any thought. It is to his interest so to act because victory for his party at the election means that his party leaders will directly or indirectly have a large number of subordinate offices, filled by appointment, to distribute as rewards to faithful and diligent party workers, and in this distribution of prizes he hopes to share.

Why the right to control, and to share in the distribution of, these prizes should stimulate the zeal and activity of practical politicians, both great and small, can be easily understood when it is known that there are nearly 550,000 appointive positions in the federal executive civil service[1] alone; and it has been estimated that the total number of government employees the country over, including national, state, county, and local governments, aggregates not far from 3,000,000, or about one for every seven families. The payroll of this great army of government employees is upwards of $3,000,000,000 a year, and of this amount, about $600,000,000 comes from the national government. The zeal and interest manifested by professional politicians in primaries and elections are therefore not to be wondered at.

Extent and Value of Patronage.

With a change in the chief administrative officers of a city, town, state, or of the federal government, there is presented the opportunity for an extensive redistribution of the minor offices. The same is true, in smaller degree, in the election of members of the different legislative bodies. With this opportunity comes the temptation for a victorious candidate, or his party acting through him, to use the pat-

Origin of Spoils System.

[1] The executive civil service comprises the executive branch of the public service as distinguished from the military, naval, legislative, and judicial branches. The civil service is divided into two parts: political and non-political. (1) The political part comprises the positions essential to carrying out the policy of the administration which has been approved by the people at the polls. (2) The second part embraces the positions which are subordinate and ministerial. The right to control the distribution of subordinate offices in the civil service is called "patronage." The term is also applied to the offices themselves.

ronage attached to his office as a means of rewarding his personal and political friends and weakening the opposing party or faction. The temptation appeared early in American history, and early it proved irresistible. Since the time of Andrew Jackson, and even before his election to the presidency, successful candidates have claimed as matter of right the partisan advantages of success. They have seen nothing wrong, or have shut their eyes to the wrong, in the rule that "to the victors belong the spoils of the enemy." To this practice of using the patronage connected with elective offices as a reward for personal and party services the name "spoils system" has been given.[1]

Federal Constitution and the Spoils System.

The framers of the Constitution unconsciously prepared the way for the introduction of the spoils system into national politics. They inserted a section providing that the president should "nominate and, by and with the advice of the Senate, appoint" ambassadors, judges of the Supreme Court, and "all other officers of the United States" whose appointments were not otherwise provided for in the Constitution itself and "which shall be established by law."[2] In the same section Congress was authorized to vest the appointment of "inferior officers" in "the president alone, in the courts of law, or in the heads of departments." So far as the courts are concerned, Congress has by appropriate legislation conferred upon them the power to appoint their own clerks, reporters, and stenographers. These positions, however, are not included when the spoils system is under consideration. Congress has likewise vested the appointment of about a thousand officials, including the librarian of Congress, in the president alone. The remainder of the "inferior officers" are appointed directly or indirectly by the

[1] The term "spoils" is also used to cover a number of other forms of patronage in politics, *e. g.*, favors or protection from legislative bodies, from administrative authorities, and from the judiciary; also in connection with purchases and contracts, the deposit of public funds, and tribute from the underworld. For an admirable discussion of such "spoils" see C. E. Merriam, *The American Party System* (1922), Chs. IV–VII.

[2] Article II, section 2.

heads of departments, who are themselves nominated by the president and confirmed by the Senate. It is with these inferior officers that the spoils system in connection with the national government is mainly concerned.

President's Power of *Removal.*

It was decided as early as 1789 that the power to appoint implies the power to remove from office.[1] Such power is absolutely essential to an efficient government, but it carries with it the opportunity for its grave misuse in the promotion of purely partisan ends. It puts enormous power in the hands of the president and heads of departments, since it places almost every position in the civil service unconditionally at their pleasure. It is hardly too much to say that the spoils system is really little more than a perversion of the right of removal, its prostitution to merely personal or partisan uses. At the present time the president has the power to remove at discretion[2] all officers whom he appoints directly or through the members of his cabinet, except judges of the federal courts and military and naval officers who ordinarily have a right to trial by a court-martial before removal.

Four-Year-Tenure Act of 1820.

Down to 1820 it was tacitly understood that the subordinate officers and employees of all kinds in the federal civil service should hold their office during good behavior. Presidents and heads of departments exercised their power of removing subordinates rarely, and seldom, if at all, for merely partisan purposes. In 1820 Congress passed an act which limited to four years the term of district attorneys, collectors, naval officers, navy agents, surveyors of customs, paymasters, and several other less important federal officers. This was an innovation which, under President Jackson, developed into a revolution in the term and tenure of office. With a fixed term, these offices were vacated automatically every four years and thus could be used as rewards to party workers or personal friends without the avowal of partisan motives. In this way the "spoils" could be shared

[1] See Parsons *v.* U. S., 167 U. S., 324.

[2] Subject to the comparatively slight restrictions found in the civil service law of 1883. See Ch. XV.

by a much larger number of personal and party friends than was possible under the old tenure of good behavior.

It was not, however, until the administration of President Jackson that the practice was inaugurated of *systematically* displacing officers and employees of all kinds merely because they did not agree in politics with the president for the time being. But even President Jackson did not make the clean sweep in federal offices with which he has frequently been charged.[1] Such changes, however, as appeared during his two administrations were made openly and avowedly from partisan considerations, whereas before his time such motives, if they existed, were not avowed publicly. The last year of President Jackson's second term saw the enactment of another law which greatly facilitated the extension of the spoils system and completed "the partisan revolution in the politics and official life of the country." That act required that all postmasters whose compensation was $1,000 a year or upward should be appointed by the president, and confirmed by the Senate, fixed their term of office at four years, and made them removable at the pleasure of the president.

The Act of 1836.

The four-year tenure established by the acts of 1820 and 1836 did not extend to the clerks or other inferior officers in the great departments at Washington, or to subordinates of postmasters, of collectors, or of naval or other officers named in the statutes. But as their removal could be effected without a special act, it was not long before it became the practice to remove even these upon the accession of each new superior. From Jackson's administration to the enactment of the civil service act of 1883, the whole federal civil service was shaken up more or less thoroughly every four years by removals. And the four-year rule is still in existence. It applies to the most important federal officials, including, in addition to those already named, the chiefs of many bureaus, the governors and judges of the territories, Indian agents, and pension agents, but the evil

[1] C. R. Fish, *Civil Service and the Patronage*, 181. The system was already firmly established in municipal and state governments, especially Pennsylvania and New York, before Jackson's election to the presidency.

effects of the rule have been greatly mitigated since the adoption of the merit system in 1883.

"Rotation in Office."

Underlying the four-year-tenure acts of 1820 and 1836 was the principle of "rotation in office." This became almost universally accepted in Jackson's time, and it greatly facilitated and in a large measure explains the rapid extension of the spoils system in national and state politics. In the period when the new democracy was spreading like wildfire "rotation in office" was held to imply democracy and equality. It was defended on the ground that it stimulated men to exertion in behalf of their party, fostered ambition to serve the country or neighborhood by opening up the possibility of holding office to a vastly greater number than could expect to hold office under the tenure of good behavior. Furthermore, it was a protest against the existence of what was regarded as a stiff, arrogant, and aristocratic official caste, and a convenient formula for the belief that one man was as good as another; or, as George III said, "every man is good enough for any place he can get." The advance of democratic sentiment between 1820 and 1850 evolved a great and growing volume of political work to be done in managing primaries, conventions, and elections for offices in the city, state, and national governments. Men were needed who could give to this work constant and undivided attention. These men the plan of rotation in office provided. Those whose bread and butter depended on their party could be trusted to work for their party, to enlist recruits, look after the organization, and play electioneering tricks from which ordinary party spirit might recoil.[1]

Acceptance by Whigs and Democrats.

The leaders of the Whig party had strenuously denounced the perversion of the federal civil service to partisan purposes under President Jackson, but when they obtained control of the government, under President Harrison, they succumbed to the temptation to accept the spoils system and use it for the advantage of their own party. Thus by 1840 both great parties had accepted the system, in-

[1] Bryce, II, 136.

cluding the principle of rotation in office. For half a century they continued to act upon the assumption that when the people voted to change a party administration, they voted to remove most members of the opposing party who held government positions, including not only the president and heads of departments, but the clerks in practically every bureau, the messengers at every door, the porters and carters of every warehouse, the keepers of every lighthouse, the rowers of every custom-house boat, the washers of floors at posts on the frontier, the makers of fires in every public building in the country.[1] For positions in the civil service came to be looked upon as intrenched outposts of the party, to be manned by valiant warriors and to be barricaded against opponents; nor this alone, but also as asylums for broken-down henchmen and sally-ports for carrying elections.[2]

Rotation in office at first related to changes in the civil service only when one party supplanted another in the control of the government. But after 1857 the practice came to be applied every time a new administration came in, although of the same party as the preceding administration. It treated the public service as "a huge soup-house in which needy citizens are to take turns at the table, and they must not grumble when they are told to move on." Rotation, however, was never applied universally in the federal civil service; for many men secured a long, intermittent term of service by coming into office whenever their party came to power, even though they were removed by the other party. Furthermore, a large residuum, often composed of those performing the most technical duties, were always left in their places, by whom the continuity of departmental traditions was preserved.

To sum up, then, the *essential features* of the spoils system are these: short terms for all appointed officials; the tenure, removal at pleasure, without hearing or statement of reasons; offices and salaries, the spoils of party or factional warfare; rotation in office, in order to make places for as many personal

[1] G. W. Curtis, *Orations and Addresses*, II, 121.
[2] Lalor, III, 786.

friends or fellow-partisans as possible; and all appointments, promotions, and removals based primarily upon personal or political considerations.[1]

The spoils system has by no means been confined to the *national* civil service. It has flourished and still flourishes wherever there is patronage to distribute, whether in the local, state, or national government. Until recently people have very generally overlooked or condoned its existence in state and local politics. Nevertheless, it had been systematically developed first in connection with the state government of New York and Pennsylvania, and appears to have been imported by New York politicians into federal affairs. Essentially the same opportunity exists in state governments for the application of the spoils system and rotation as in the federal government, though on a less extensive scale. Subordinate positions attached to the various state administrative departments and public institutions,[2] aggregating more than 10,000 in some states, are to this day generally distributed among the political and personal friends of those in charge of the departments or institutions, and their political associates. Even the state legislatures, especially in the larger states, have numerous positions within their gift. For example, there are sergeants-at-arms and assistant sergeants-at-arms, principal doorkeepers, first and second assistant doorkeepers, journal clerks, executive clerks, index clerks, revision clerks, librarians, messengers, postmasters, janitors, stenographers and messengers to the various committees, and assistants, first and second, too numerous to mention.[3] Still richer soil for the spoils system is found in our large cities. They have been compared to richly laden treasure-ships in an ocean swarming with pirates.

Spoils System in States and Cities.

[1] Lalor, III, 900.

[2] The unfortunate experience of the Indiana Hospital with the spoils system in the eighties is interestingly related in W. D. Foulke's *Fighting the Spoilsmen* (1919), Ch. II. For a more recent illustration of the spoils system in Oregon, in connection with the appointment of probation officers, see *Nat. Mun. Rev.*, VIII, 392 (1919).

[3] Beard, 668. See also F. S. Munro, *Legislative Spendthrifts* (in Illinois in 1915), pp. 19–33.

If they have been manned in accordance with the spoils system, their officers and men have been selected and appointed by the captains of the pirates. The plunder that can now be obtained by gaining the control of a state or city government is so enormous that whenever there is a chance to capture it the effort is sure to be made, and made for selfish and dishonest purposes.

Having thus traced briefly its origin and growth, we may now consider the actual operation and evil effects of the spoils system. These can be studied most satisfactorily in connection with the federal civil service, but two points must be constantly borne in mind, namely, that essentially the same practices exist in state and local politics and that essentially the same evils have here been attended by even more serious consequences than in the federal civil service.

From a body of less than 300 officials at the organization of the federal government, the national civil service has expanded into a body of nearly 550,000 officials and employees.[1] As positions in the service multiplied it became more and more impossible for the president and heads of departments, as appointing officers, to make personal investigations into the character and qualifications of the army of applicants for government positions. Instead, they were obliged to rely upon the recommendations of others; and who so near at hand, so accessible, and so familiar with political conditions in their respective states as senators and representatives in Congress? Members of Congress thus became the natural go-betweens for the appointing authorities and those seeking federal jobs. The result was an inevitable augmentation of the political influence and prestige of members of Congress, who were not slow to make use of the opportunity thus opened up to become virtually office-brokers.

Senators and Representatives as "Office Brokers."

Inasmuch as all the more important appointments to the federal civil service required the confirmation of the Senate, the members of that body profited more from this develop-

[1] *39th Annual Report of the U. S. Civil Service Commission* (1921–22). During the period of the World War the number rose to more than 900,000.

ment than members of the House. Indeed, it was not long before the fate of important appointments came to depend upon the approval or disapproval of a single senator. This too was a very natural development. Just as the president had come to rely more and more upon the representations of members of Congress, so the Senate as a whole came to rely upon the recommendations of the senators from the state where an appointment took effect. As a body, the Senate had no time in which to conduct a thorough investigation of each nomination presented to it for confirmation. So the practice known as the "courtesy of the Senate" arose, according to which, if the senators from the state concerned in a certain appointment approved of the person nominated, the Senate confirmed the appointment as a matter of course; and likewise refused confirmation if the nomination was objected to by the senators from that state. When this rule became fully established, senators became sort of feudal lords in the distribution of federal patronage within their respective states or fiefs; and the possession of this enormous power made it comparatively easy for many of them to build up strong political machines among their beneficiaries.[1]

The "Courtesy of the Senate."

Of course it happened now and then that some states would have no senator belonging to the president's party, and this has been almost uniformly the case in ten or a dozen Southern states since the Civil War, whenever the Republicans have been in power. Or the president's party might happen to be torn by hostile state factions, each bringing forward candidates for federal jobs, thus making it unsafe for the president to rely solely upon the recommendation of either senator from that state. Under such circumstances it became imperative for the appointing officer to seek advice outside senatorial ranks. For this he might consult members of the lower house from the state concerned, and this is usually what happened whenever both senators from that state belonged to the opposite party. Or the president might appeal for advice to the governor of the state

[1] See H. L. Nelson, "The Overshadowing Senate," *Century*, LXIV, 169; LXV, 499 (1902).

if he were of the president's party, or to the chairman of the state central committee, or to the national committeeman, and even to prominent unofficial members of his party in that state. There are also instances where the president sent his own personal representative to investigate and report to him upon local conditions before deciding upon certain appointments.

Practices not essentially different from those just described exist in the case of appointments to minor state offices. The executive officers of the state are influenced in making their appointments by the wishes and recommendations of the members of the legislature, and of persons holding no state office, but possessed of great political influence; as, for example, the United States senators or the so-called local or state bosses. In municipal politics, too, the officers nominally vested with the power of appointment pay great heed to the recommendations or wishes of the city boss and of ward and district workers. The result is the same in national, state, and local politics: the appointing officer rarely acts with an eye single to the public welfare, but uses his power of appointment either to strengthen his party organization in accordance with recommendations from outside sources or to further his own political ambitions.

Influences Affecting State and Municipal Appointments.

The strongest argument put forward in defense of the spoils system runs substantially as follows: Political parties have come to stay. To be permanently effective they must develop a durable and widely extended organization. This can be secured only by having a regular staff of party workers or professional politicians, who make the conduct of party affairs their main business or chief avocation. This staff cannot be secured and maintained without compensation of some sort, since it is recruited for the most part from men of small means or none at all. Government patronage is the natural fund for such payments and the easiest way to maintain an effective organization. Without this "cohesive power" of the spoils system political parties must rapidly undergo dissolution, and the country would soon be deprived of

Defense of Spoils System.

the inestimable blessing of party government. Of the defense so common when the spoils system first appeared in national politics—that the system is essential to the continued existence of democratic government—little or nothing is heard nowadays; indeed, the country at large has come to hold directly the opposite view.

Changed Attitude of the Public.

Within the past forty years a marked change has taken place in public sentiment regarding the spoils system, especially in national politics. Open and avowed defenders of the system among men holding high position in federal affairs are exceedingly rare. Such defenders as the system has are to be found almost wholly in the ranks of machine politicians, whose chief sphere of activity is state, county, and municipal politics. The same change of sentiment is beginning to appear in connection with municipal civil service, but as yet state governments have been only slightly affected by it, and there the spoils system persists comparatively unchecked.

A change of sentiment at once so profound and far-reaching has not been the result of any sudden popular whim. It is a permanent conviction produced as the result of a slow, persistent education of public sentiment, accompanied by the presentation of clear and convincing evidence that evils of a most serious nature had developed under the spoils system and are inseparable from it. These evils may, for the sake of convenience, be grouped in two main divisions: first, the *evils appearing in the quality of official services;* and, second, the more distinctively *political evils.*

Evils Appearing in the Quality of Official Services.

(1) The efficiency and character of office-holders whose training and natural inclinations would make them otherwise efficient, as well as their fidelity to the public service, are inevitably undermined by the spoils system. In place of a faithful and efficient civil service, based upon merit and experience, we have a corps of political intriguers whose first concern is with ways and means of retaining their places by rendering political services to the party managers. Under such conditions public offices

soon cease to be regarded as public trusts, and the work of the government suffers by neglect or inefficiency.

(2) Even assuming that the character of officials in the civil service is all that could be desired under the spoils system, the frequency of removals seriously impairs the quality of the service rendered. The magnitude of this evil in the federal civil service may be inferred from the case of the New York custom-house when the spoils system was at its height. One collector there in the four years from 1858 to 1862 removed 389 out of 690 subordinates; another, of the opposite party, in the three and one-half years next following, removed 525 out of 702 of those serving under him. Nearly all of these removals were for partisan purposes. In the five years, or 1,565 secular days, preceding the year 1871 there were 1,678 removals, and nearly all for merely partisan reasons; or more than at the rate of one every secular day for five years.[1] Describing conditions in the late seventies, a collector at the port of New York stated that under his three immediate predecessors more than one-fourth of the persons employed were removed every year. During the three years of one of these predecessors, out of 903 officers 830 were removed. Another predecessor made 338 removals in eighteen months, although there had been no change of party administration. Another made 510 removals in sixteen months. The terms of these three predecessors did not exceed six years altogether, averaging 230 removals per year in the custom-house alone out of about 1,000 employees.[2] Taking the entire country, the waste caused by the frequent bringing in of inexperienced persons was enormous.

(3) Officials once installed in office through favoritism and political influence, and proving inefficient or otherwise unworthy, can, under the spoils system, be removed only with the greatest difficulty. The same political influence or party service which secured for them appointment, in the first place, is powerfully and often effectually exerted for their retention

[1] Lalor, III, 569.

[2] See *1st Annual Report, U. S. Civil Service Commission* (1883–1884), p. 27 n.; also G. W. Curtis, *Orations and Addresses* (1894), II, 128.

in office when the good of the service requires their dismissal.

(4) Men of the best character and of superior qualifications will not accept appointments in the civil service when the essential requirements to secure an appointment are an elastic conscience, unlimited compliance with the "suggestions" of political leaders, success as manipulators of conventions, or as workers at the polls.[1]

Political Evils of Spoils System.

In enumerating the *political* evils of the spoils system, one should note (1) that with the growth of the civil service, the real power of making appointments was transferred to Congress—more particularly to the Senate. The function of the president and heads of departments was reduced to little more than that of attaching their signatures to the commissions of appointees practically named by Congress. In other words, under the spoils system in national politics there was a marked tendency for the legislative department to encroach upon the province and to usurp the power of the executive department. As President Garfield said: "The spoils system invades the independence of the executive, and makes him less responsible for the character of his appointments."[2] And the same sort of evil appears in connection with state and city governments.

(2) The spoils system makes unreasonable demands upon the time of the president, governors, mayors, heads of departments, and also congressmen, senators, and members of legislatures and city councils, compelling them to neglect their proper executive or legislative duties. Referring to this fact, President Garfield, when a member of the House, stated that "one-third of the working hours of senators and representatives is hardly sufficient to meet the demands made upon them in reference to appointments for office."[3] Furthermore, another reliable authority states that at least one-third of the time of President Garfield himself was absorbed by applicants for office, and that more than six-sevenths of the calls made upon one of his

[1] See G. W. Curtis, *op. cit.*, 375.
[2] Quoted in Lalor, III, 141.
[3] *Ibid.*

cabinet officers during a period of three months were for office-seeking.[1]

(3) The spoils system has been more responsible, perhaps, than any other single factor in creating and perpetuating the professional politicians and political bosses whose baneful influence in local, state, and national politics will be considered in a later chapter.[2]

(4) The existence of the spoils system tends seriously to restrict the field of available candidates for the *elective* offices. Personal merit is not wholly ignored, nor public opinion needlessly affronted, but ordinarily candidates are regarded as available in the ratio of their adroitness in using patronage to bribe voters, to reward electioneers, to buy the press, and to conciliate opponents and rivals.[3]

(5) The spoils system tends directly to increase the cost of administering the government, and this additional cost must be met by increased taxation. One cabinet officer complained some years ago to a congressional committee that he was obliged to keep seventeen persons in his department whom he did not want, although one man could have done the same amount of work and have done it better than the seventeen.[4] Legislative bodies frequently yield to the temptation to create new offices or positions as a means of strengthening the party, or to burden these offices and old ones with superfluous officials. This partly explains the great increase in the number of national and state administrative offices, boards, and commissions in the last decade or two, and the constantly recurring instances of "padded payrolls" in connection with legislative sessions.[5]

(6) The spoils system tends to deprave and distort the spirit and mechanism of politics. Wherever it prevails, there is a strong tendency to convert a campaign into mere place-hunting. Offices becoming the reward of party services, the whole

[1] *Ibid.; Atlantic Monthly*, XL, 49 (1877).
[2] Chapter XVI.
[3] Lalor, III, 140.
[4] *14th Annual Report, U. S. Civil Service Commission*, 39, (1896–97).
[5] On padded payrolls in Congress about 1901, see W. D. Foulke, *Fighting the Spoilsmen* (1919), pp. 137–140.

machinery of the party is made to serve as its main object the getting and keeping of offices. Hence we have one of the chief motives which result in the packing of primaries, machine-managed conventions, and election frauds. From a free popular choice between different policies of administration or legislation elections tend to degenerate into a contest for personal advantage between rivals for the control of patronage.

(7) The spoils system places the party which is victorious in a national, state, and local election in a position virtually to convert the government into a great political machine, since it places at the disposal of that party, however corrupt, a horde of creatures in every town, county, and state, bound to fight for the defense and continuance of the machine.[1]

(8) The threat or fear of removal has been made effective for extorting from office-holders political assessments or forced contributions to party campaign funds. When this practice was tolerated in the federal civil service neither pecuniary position, age, nor sex found mercy with party managers. Every one who figured on the pay-roll of a public department was put under contribution—office boys, dock-laborers, washerwomen, not to mention a host of others.[2]

(9) People are tardily coming to see that, instead of being essential to democratic government, the spoils system is undemocratic. Democracy implies political equality of citizens, and is opposed to favoritism and privilege. The spoils system creates a distinct political class with an immediate personal, selfish class-interest in politics which is not shared by the rest of the community. The whole management of political affairs gradually slides and falls into the hands of this oligarchy. The ordinary citizen, however meritorious, stands little if any chance of holding public office unless he subscribes to the terms laid down by the small tyrants called bosses who dominate these oligarchies. Such surrender renders the citizen no longer the equal but virtually the vassal of the boss.

[1] H. C. Lodge, *Century*, XL, 837 (1890).

[2] Ostrogorski, 69. On political assessments in Philadelphia, see M. L. Cooke, *Our Cities Awake* (1918), pp. 34–42. See also Ch. XI, above.

(10) In spite of the fact that the spoils system is a powerful instrument for the strengthening of political machines, it is at the same time a source of party weakness. When the party chiefs come to distribute the spoils, there is sure to be disappointment. Ten applicants are disappointed to every one that is gratified. The "knife is up the sleeve" with those who have been given promises that cannot be realized. Personal feuds and factional strife arise and the harmony of the party is disturbed. Congressmen of the party out of power do not have half as much trouble in keeping harmony in their districts as those who have the hateful task of distributing postoffices and revenue collectorships.[1]

(11) The spoils system depreciates the moral standards of the country. "The spoils motive in politics appeals to cupidity, avarice, selfishness, not to patriotism; consequently the selfish, the avaricious, the unscrupulous press forward and scramble for place, while those to whom higher motives appeal retire."[2] Then, too, the example of presidents,[3] governors, and mayors practically buying legislative support for measures which they favor by the promise of office can have no other effect than to lower the moral tone of the community, state, and nation. This practice has been characterized as "one of the most palpable and dangerous forms of bribery." Likewise the power of awarding valuable government contracts, incident to many offices, tends to produce the same result, for it opens up a wide range of opportunities for that species of dishonesty in politics which is commonly called "graft."

Nowhere among the more important countries of continental Europe does the spoils system flourish as it does in the United States, while in Great Britain it has practically disappeared since the introduction of the reforms of 1853 and 1870.[4] There is reason to believe that in time the system will also become extinct in our own country. Indeed, the spoilsmen have already been extensively driven

The Merit System.

[1] Woodburn, 386.

[2] *Ibid.*, 384.

[3] For an example of such a use of federal patronage in Lincoln's administration, see C. A. Dana's *Recollections of the Civil War*, 174 ff.

[4] See A. L. Lowell, *The Government of England* (1908), I, Chs. VII–VIII.

from the federal civil service, and important and encouraging beginnings have been made toward their expulsion from the state and municipal services.

Present Extent of Federal Spoils System.

In the federal executive civil service, for example, out of a total of approximately 548,531 positions (1923), 411,398, or approximately seventy-five per cent, are no longer treated as spoils, but are filled only after an examination which, with but few exceptions, is competitive and designed to bring out the relative merits of the various applicants for appointment. Hence this system is commonly called the merit system; and the positions filled in this manner constitute what is called the "classified service." In the "unclassified service," comprising the remaining 137,133 positions, spoils considerations continue to be important factors in the choice of appointees; and in this branch of the service two groups are especially important, both numerically and politically. The first of these comprises about 12,000 positions specifically *excluded by law* from classification, and these include, among others, over 5,000 deputy collectors of internal revenue. Their positions are still looked upon as spoils for the victorious party in a presidential campaign; appointees obtain their positions through political preferment, and do not expect to remain in the service beyond the period of their sponsor's official life.[1]

The second group mentioned above comprises about 15,000 positions filled by appointment by the president, with the confirmation of the Senate. Here are found all the chief positions in the diplomatic service; also about 14,000 first-, second-, and third-class postmasterships; and in filling these positions spoils considerations are not entirely absent. They are, however, much less conspicuous than a decade ago, for within the past few years these offices have been filled from lists of eligibles based upon examinations conducted by the Civil Service Commission.[2]

[1] See *38th Annual Report, U. S. Civil Service Commission* (1920–21), pp. xxix–xxx; *36th Annual Report* (1918–19), pp. xxi–xxii.

[2] On the character of these examinations see *38th Annual Report, U. S. Civil Service Commission* (1920–21), pp. xxv–xxviii; *39th Annual Report* (1921–22), pp. xxiii–xxvi; and *40th Annual Report* (1922–23), pp. xxxi–

This astonishing supplanting of the spoils system by the merit system in three-fourths of the positions in the national civil service, within the comparatively brief space of four decades, is the direct result of the civil service reform movement—a movement which deserves to rank as perhaps the most important governmental reform in this country since the adoption of the national constitution. The history and problems of civil service reform will, therefore, be discussed at some length in the following chapter.

QUESTIONS AND TOPICS

1. Office-seeking and removals under Washington, John Adams, and Jefferson.
2. The debate in Congress in 1789 over the power to remove heads of departments.
3. The circumstances surrounding John Adams's removal of Timothy Pickering in 1800 and Jackson's removal of W. J. Duane in 1833.
4. The New York council of appointment and the beginnings of the spoils system in New York.
5. The growth of the federal civil service between 1789 and 1820.
6. The debates over the four-year-term act of 1820 and the attempts to repeal it in 1835. (See *Register of Debates in Congress*.)
7. Office-seeking and the spoils system under Jackson and Van Buren.
8. Early development of the doctrine of rotation in office. (See Fish.)
9. With whom, and under what circumstances, did the political phrase, "to the victors belong the spoils," originate?
10. Office-seeking and the spoils system under Lincoln. (See Fish, C. A. Dana's *Recollections of the Civil War*, and Rhodes.)
11. The history of the tenure-of-office act, 1867–1887.

xxxii. Other unclassified employees include (1) deputy U. S. marshals, (2) employees for the enforcement of prohibition, (3) employees in the immigration service, (4) commercial attachés, (5) the chief positions in the bureau of the census, (6) clerks in third- and fourth-class post-offices, (7) certain classes of employees connected with the shipping board, the tariff commission, the federal farm loan board, the federal reserve board, the veterans' bureau, the bureau of the budget, and the comptroller-general's office; and (8) laborers, numbering nearly 18,000. *40th Annual Report* (*1922–23*), pp. 93–98.

12. The spoils system in the Southern states during the Reconstruction period.

13. The Garfield-Conkling episode in New York politics in the early eighties.

14. How many and what offices are affected by the spoils system in your own town, county, and state? In the largest cities of your own state?

15. Tabulate the appointive offices or positions in the Federal Treasury Department. (See the *Official Register*.)

16. The appointment of House and Senate officials in Congress.

17. The spoils system in England in the age of Walpole. (See Eaton, Lecky's *England in the Eighteenth Century*, and other English histories and biographies.)

18. The spoils system in England in the reign of George III. (See *Correspondence between George III and Lord North* and *Century Magazine*, LXXVI, 304.)

19. The alleged use of patronage by President Taft to influence legislation in the 61st Congress. (See Bourne and *Rev. of Rev.*, XLIII, 259.)

20. Office-seeking and the spoils system, 1850–1860.

21. The spoils system as seen in connection with legislative appointees or the legislative "padded pay-roll."

22. The use and abuse of the power of appointment and removal in municipal governments. (See Munro.)

23. The investigation of corruption in Buchanan's administration by the Covode commission (1860).

24. Senator Gallinger's invocation of the "courtesy" rule to defeat the appointment of Mr. Rublee to the Federal Trade Commission, 1916.

25. Alleged nepotism in the federal civil service during the Wilson administration.

26. To what extent were contributors to the Democratic campaign fund of 1912 appointed to federal offices by President Wilson? (See Philadelphia *Public Ledger*, March 28, 1915.)

27. Secretary Bryan and the appointment of "deserving Democrats" to positions in San Domingo, in 1915.

28. The alleged "sale" of federal offices in Virginia in President Harding's administration. (See *The Spotlight*.)

29. Spoils politics in the reclamation service under President Harding.

30. The spoils system in the enforcement of national prohibition.

CHAPTER XV

CIVIL SERVICE REFORM. HISTORY OF THE MOVEMENT. THE CIVIL SERVICE ACT OF 1883. ECONOMIES AND POLITICAL BENEFITS OF THE MERIT SYSTEM. PRESENT-DAY PROBLEMS.

Aims and Ideals of Civil Service Reform.

THE civil service reform movement is diametrically opposed to the spoils theory of public office and employment; it refuses to condone the perversion of public trusts into party spoils, the treatment of places in the public service as prizes to be distributed after an election like plunder after a battle; it condemns and denounces the substitution of personal and partisan considerations for proved individual merit as a basis for admission to the civil service, and aggressively champions a system of competitive examinations for the selection of all persons holding non-political administrative positions; it repudiates the ancient doctrine of rotation in office, and tries to secure for all employees, appointed on a basis of proved merit, comparative immunity from the fear of removal for purely personal or partisan reasons. "The goal of civil service reform," says President Eliot, "is a public service, national, state, and municipal, exclusively composed of men, each of whom possesses the knowledge and skill needed for his own task, well disciplined, devoted to their work, and to the public authority which employs them, and regarding their occupation as an honorable and satisfactory life career." This reform of the civil service has been called "the fundamental governmental reform, the reform on which all other improvements in national, state, and municipal administration depend." Certainly the efficiency of all governmental services in their present complexity and vastness depends upon the wide adoption of some system of selection and promotion based upon merit and proved capacity.

The name "civil service reform" is in itself misleading, for

the real intent of the movement is not to reform the civil service, but to change the mode by which its places are filled. The chief purpose is to take the routine, non-political, offices of the government out of politics, where they ought never to have been, by providing some method of filling them which is at once fair, non-partisan, and disinterested.

The establishment of such a system for positions in the federal civil service dates from the enactment of the so-called Pendleton, or civil service, act of 1883. Prior to this date two unsuccessful and short-lived attempts had been made to abolish the evils of the spoils system.[1] Between 1851 and 1853 the question of efficiency in the civil service was discussed in two reports to the Senate, and it was recommended that examinations be held for the lowest grade of clerkships and that all vacancies above these, except the chief clerkships, be filled by promotion.[2] Following these suggestions, acts were passed by Congress in 1853 and 1855 subjecting to examination (1) all persons in the departments at Washington receiving salaries between $900 and $1,800 a year; (2) subordinate officials in the customs service at eleven ports; and (3), in twenty-three post-offices, positions under postmaster, not including mere laborers or workmen. In all, nearly 14,000 positions were affected by this legislation.[3]

Beginnings of Reform.

The character of these examinations, however, depended entirely on the discretion of the head of the department concerned. Inasmuch as he was also the appointing officer and the one upon whom fell the pressure of politicians in a period when the spoils system was flourishing, the examinations amounted to little. They were not competitive and were conducted independently in each office. One candidate was examined at a time, and no means was afforded of comparing the merits of one

[1] It should be noted that as early as 1841 a committee of the House of Representatives had proposed the adoption of preliminary examinations for those desiring to enter the civil service. *House Reports*, 27th Congress, 2d session, No. 741, vol. IV, pp. 1–5, quoted in *15th Annual Report, U. S. Civil Service Commission* (1897–98), pp. 465 ff.

[2] C. R. Fish, *Civil Service and the Patronage* 183.

[3] F. T. Doyle, *Forum*, XIV, 219 (1892–93).

applicant with another. Some of the questions asked of candidates show that the examinations were a farce: "Where would you go to draw your salary?" "How many are four times four?" "What have you had for breakfast?" "Who recommended your appointment?" [1] An eye-witness of one of these examinations in one of the departments at Washington after the war says that the candidate then being examined by the postmaster-general was questioned and cross-questioned, not as to his capacity for doing the work, but as to what ticket he had voted, how many years he had voted it, what he had done and could do for the party then in power, and what his influence was with his race. The course of the examination lasted twenty minutes. The person thus examined was an ignorant negro, an applicant for a postmastership in the South.[2] Examinations of this character are usually called "pass" examinations in order to distinguish them from the system of competitive examinations inaugurated in 1883. Partisan politicians, it is needless to say, made very little objection to mere pass examinations, and the evils of the spoils system went on practically unchecked.

Another law in 1864 provided for the examination of a number of consular clerks in the State Department. None of these laws, however, received proper support from Congress or the executive, and they gradually became "dead letters." [3]

The real starting-point of civil service reform in this country was the report of Hon. Thomas A. Jenckes, chairman of a joint select congressional committee, submitted to Congress in May, 1868. Up to this time the evils of the spoils system were well understood, but few apparently had given serious thought regarding the remedy. People seemed to have concluded, in a characteristic American way, that the trouble was inherent in our political system; or, if not inherent, that it had become so firmly implanted that it could not be removed; that to complain was useless, and that we

The Jenckes Report, 1868.

[1] Quoted in A. B. Hart's *Actual Government*, 289.

[2] W. W. Vaughn, *Every Man on His Own Merits* (pamphlet), 7.

[3] E. C. Marsh, *The Civil Service: A Sketch of the Merit System* (pamphlet, 1922), p. 6.

should go ahead and make the best of it. There was so little knowledge of or interest in civil service reform when Mr. Jenckes began his agitation that he was, "like Paul in Athens, declaring the Unknown God." [1]

Being a lawyer of marked ability, a man of wealth, and belonging to a family of much local distinction, Mr. Jenckes had assumed a position of importance from his first entrance into the House of Representatives in 1863. He had made a careful study of the civil service in China, Prussia, France, and especially in England, and in his elaborate report he furnished a mass of information upon the subject, including the views of many officials in different branches of the service upon the practical nature of the reforms proposed, and copious extracts from the press favoring the bill which accompanied the report.[2] This bill was intended to adapt to American conditions the best points in the foreign systems investigated. It was, however, too novel and too sweeping in its recommendations to avoid defeat, but its defeat was accomplished only after a serious struggle.[3]

The contest for civil service reform had only just begun. Slowly the subject enlisted popular interest. The first victory came in March, 1871, when the civil service reformers succeeded in attaching to an appropriation bill a brief section which authorized the president (1) to cause proper steps to be taken for ascertaining the fitness of candidates in respect of age, health, character, knowledge, and ability for entering the public service; (2) to make rules for its regulation; and, in effect, (3) to create a civil service commission to take charge of the examinations and aid in the work of reform under the president's direction. This provision intrusted the whole matter of reform to the discretion of the president.

First *Competitive* Examinations, 1872.

President Grant, who had recommended this legislation in his message of 1870, at once appointed George William Curtis and

[1] S. S. Rogers, *Atlantic Monthly*, LXXI, 17 (1893). [2] *Ibid.*

[3] Joseph H. Choate, *Twenty-Five Years of Civil Service Reform* (pamphlet).

six other gentlemen a commission to conduct the inquiries authorized by the act and to prepare and report to him a working plan for inaugurating the much-needed reform in the national administration. The commission's report to the president, submitted in December, 1871, was promptly transmitted to Congress with the president's favorable indorsement. The report was prepared by Mr. Curtis and contained a most thorough and convincing presentation of the entire subject of reform, considering and answering every plausible objection.[1] The regulations drawn up by the commission, calling for open competitive examinations, went into operation in April, 1872, in the federal offices in New York City and the departments at Washington, and remained in effect until March, 1875. During this period President Grant attempted to extend the operation of the new rules to all customs ports, but failed because the officials at those ports were either hostile or indifferent to the new system.

Reform Under President Grant.

It quickly became evident that the reform thus inaugurated was not acceptable to the party leaders and that it would encounter the fierce opposition of the machine politicians, especially in New York. This opposition quickly succeeded, against the vigorous protest of the president, in cutting out all appropriation for the continuance of the system. As a result, early in 1875 the system of competitive examinations was suspended by executive order, thus apparently suppressing the reform. Nevertheless, this brief and limited experiment with the system was not a failure. President Grant informed Congress that the new methods of appointment had "given persons of superior character and capacity to the service" and "that they had developed more energy in the discharge of duty."[2]

President Hayes and Reform.

President Hayes entered upon his duties in 1877 strongly committed to civil service reform, but was able to accomplish little because of the determined opposition in Congress. Nevertheless, another beginning of reform was made during his administration. The introduction of the competitive system into the New York post-

[1] *Senate Executive Documents*, 42d Congress, 2d session, I, No. 10 (December 19, 1871).

[2] Quoted in Lalor, I, 479.

office and custom-house was ordered by the president without waiting for action by Congress.

Growth of Reform Sentiment.

Indications of a strong public sentiment favorable to civil service reform were not lacking during the administrations of both President Grant and President Hayes, and politicians were beginning to cater to this sentiment. By 1872 public interest led the leaders of all parties to insert in their national platforms of that year some sort of declaration favorable to reform. The first national platform in which such a plank appeared was that of a small party called the Labor Reformers. This party declared "that there should be such a reform in the civil service of the national government as will remove it beyond all partisan influences and place it in the charge and under the direction of intelligent and competent business men; . . . that fitness, and not political or personal considerations, should be the only recommendation to public office, either appointive or elective, and any or all laws looking to the establishment of this principle" were heartily approved. The platform of the Liberal Republicans, later indorsed in full by the Democratic party, contained a stinging arraignment of the spoils system under President Grant and an even more insistent demand for reform. After these two official party utterances, the Republicans, of course, felt compelled to act, and accordingly inserted in their platform a mild indorsement of civil service reform. Several state conventions of various parties soon did likewise. On the part of both Republicans and Democrats, however, there is good ground for believing that these indorsements were devoid of sincerity. As soon as the election was over the politicians resumed their attitude of hostility toward the reform. Again in 1876 and 1880 the platforms of the Republican and Democratic parties formally indorsed reform of the civil service, but Mr. Curtis was not far wrong when he characterized the Republican platform declarations in 1880 as only "polite bows to the whims of notional brethren, which it is hoped will satisfy them without committing the party." [1]

Reluctant and insincere as these platform indorsements may

[1] For these platforms, see E. Stanwood, *History of the Presidency*, I, Chs. XXIV–XXVI.

have been, they nevertheless bore some testimony to the growing strength of the reform sentiment in the country at large.

Civil Service Reform Leagues.

In May, 1877, the New York Civil Service Reform Association was formed, and in 1880 it claimed 583 members representing thirty-three states and territories. Other societies sprang up in Boston, Philadelphia, Milwaukee, San Francisco, and elsewhere; and in August, 1881, a national league was formed at Newport with George William Curtis as president. This was followed by the organization of state societies, and the movement was brought to a fighting stage. The first volume of *Poole's Index*, brought out in 1882, mentions about one hundred articles discussing some phase of the civil service problem.[1]

Passage of Pendleton Act, 1883.

In December, 1880, Senator Pendleton, of Ohio, introduced into Congress substantially the bill which had been introduced by Mr. Jenckes in 1867. The advocates of the bill declared that it would vastly improve the whole service of the country, which they characterized as being at that time inefficient, expensive, and extravagant; and in many cases corrupt. The bitter factional fights during the early months of Garfield's administration, the assassination of Garfield by a disappointed office-seeker, and the Democratic "landslide" in the congressional elections of 1882 convinced the leaders of the Republican party, then in control of Congress, that the spoils system was doomed and that a reform of the civil service must be inaugurated at once and under Republican auspices. Consequently, in January, 1883, Congress passed the Pendleton, or civil service, act—the most effective blow ever dealt at the spoils system in this country. Yet its immediate results gave little promise of the increasing potency which has developed with each succeeding administration since that of President Arthur, when the act went into effect.[2] Indeed, the enactment of this law is an excellent example of a reform forced on politicians against their will by the pressure of public opinion aroused by a few earnest advocates. "The politicians of

[1] Fish, *op. cit.*, 217.

[2] W. B. Shaw, *Rev. of Rev.*, XXXI, 318 (1905).

neither party really wanted the reform, but few of them dared attack it openly." [1]

This act is the basis of the present organization of the federal civil service and the model upon which a number of state laws have been drawn. It does not include elaborate details either on appointments or on removals, but authorizes the president to promulgate rules at his discretion. It lays down certain definite principles establishing the merit system of appointment, in place of the old spoils system. The original plan of the civil service reformers dealt with three points: (1) the appointment of the lower-grade officials by competition, (2) the repeal of the law of 1820, and (3) the establishment of retiring pensions. But in the face of the resistance offered to this plan, the last two proposals were abandoned and all the efforts of the reformers were concentrated on the introduction of competitive examinations; and this is the most distinctive feature of the changes authorized by the Pendleton act.[2]

This Act the Basis of Present Merit System.

The main provisions of the civil service act of 1883[3] are as follows:

(1) Three commissioners were created, not more than two of whom should belong to the same political party, appointed by the president and senate. This body is commonly known as the United States Civil Service Commission. In addition provision was made for a chief examiner of applicants for positions in the civil service, for state boards of examiners, and minor officers.

Provisions of Civil Service Act.

(2) These commissioners are to "aid the president, as he may request, in preparing suitable rules for carrying this act into effect," and to enforce these rules when duly promulgated.

(3) The rules formulated by the commissioners are to provide for a classification of government officials affected by this act

[1] See H. C. Thomas, *Return of the Democratic Party to Power in 1884*, Columbia Univ. *Studies*, LXXXIX, No. 2, pp. 100–105 (1919).

[2] Ostrogorski, II, 488.

[3] The civil service act may be found in *United States Statutes at Large*, XXII, 403, or, more conveniently, in any *Annual Report U. S. Civil Service Commission.*

according to the amount of their salaries. The various positions are also classified for purposes of examination into six divisions: clerical, technical, executive, mechanical, sub-clerical, and miscellaneous. Hence places now subject to civil service rules are frequently referred to as the "classified service."

(4) Among other things, the act provided (*a*) that the rules should declare for "open, competitive examinations for testing the fitness of applicants for the public service," such examinations to be practical in their character and fair tests of the relative capacity and fitness of the applicants for the position sought; (*b*) that appointments should be made from among the three applicants standing highest in these competitive examinations, preference, however, being given to honorably discharged veterans; (*c*) that appointments to the federal offices in Washington should be fairly apportioned among the citizens of the different states and territories and the District of Columbia; (*d*) that in all cases there should be a period of probation before final appointment; (*e*) that no person in the government service should use his official authority or influence to "coerce the political action of any person or body."

(5) The rules were first made applicable to the departments at Washington and to custom-houses and post-offices with more than fifty employees, but were not to apply to laborers.[1]

(6) The commissioners must reject any recommendation brought by an applicant for appointment from senators or representatives in Congress, except such as relate to the character and residence of the applicant.

(7) The act prohibited the solicitation by any government official of contributions to be used for political purposes from persons in the civil service, or the collection of such contributions by *any* person in a government building, under penalty of fine or imprisonment, or both. The act also provided that no removal should follow refusal to make such a contribution.

(8) The commissioners were directed to keep records, to in-

[1] By 1915, approximately 23,000 laborers had been brought under competitive regulations, *Cyclo. Am. Govt.*, I, 284.

vestigate cases of alleged violation of the laws and rules, and to make an annual report to the president, which was to be submitted to Congress.

(9) The president was authorized by the act to extend these rules to other parts of the civil service at his discretion and to create exceptions to, or exemptions from, the rules.

When the civil service act of 1883 and the rules drawn pursuant to its provisions went into operation they applied to only about 14,000 positions out of a total of approximately 110,000.

Extension of the Merit System.

The wider application of the act and rules was left largely to the discretion of the president and to future acts of Congress. The extension of the competitive system has depended, for the most part, upon the will of the president for the time being. Presidents friendly to reform have been disposed to extend the application of the rules, or to "enlarge the classified service," as it is called; while a president friendly to the spoils system not only may not widen the application of the merit system, but may even go so far as to revoke existing rules and to restore all the characteristic evils of the old system. No president, however, has been willing to court the condemnation of intelligent public opinion regardless of party by attempting on any large scale to undo the work of civil service reform. On the contrary, practically every administration has witnessed some enlargement of the classified service, some wider application of the merit system, some restriction of the spoils system in the federal administration, until on June 30, 1923, the number of positions in the civil service filled by competitive examinations was over 411,000 out of a total executive civil service of over 548,000.

At the end of President Arthur's term, 15,573 positions had been transferred to the classified service. President Cleveland, during his first term, added the railway postal service and revived the departmental classification of some other branches of the service, making a total of 11,757 additions. President Harrison classified a portion of the Indian service, the fish commission, weather bureau, and free delivery offices employing less than fifty persons, thus adding 10,535 positions. In Cleveland's

second term large additions took place, including the internal revenue service, the government printing-office, custom-house employees, life-saving and lighthouse services, the engineering division of the War Department, ordinance division of the Navy, certain navy-yard employees, the remainder of the Indian service, and pension surgeons—in all, 38,961 places. McKinley, on the other hand, added only 3,261 places. The most numerous additions took place in the administrations of Presidents Roosevelt and Taft. The former added 34,766 places, the most important of which were the rural free-delivery employees, and about 15,000 fourth-class postmasters. President Taft added 56,868 positions, including about 3,800 assistant postmasters and clerks, navy-yard artisans, and about 36,000 fourth-class postmasters. Under President Wilson very few new positions were brought into the classified service. Although there was an increase of about 40,000 in the number of classified positions, down to the period of our participation in the World War,[1] this merely means that new employees to that number had been added to branches of the service which had previously been classified. Such increases are commonly spoken of as "growth" in the classified service, rather than as additions. War-time activities of course necessitated a vast and sudden increase in all branches of government employment; but even under the strain and stress of such abnormal conditions the relative proportion of classified and unclassified employees remained substantially what it had been just prior to 1917.[2]

Conspicuous Champions of Reform.

The success of the civil service reform movement may be attributed in a very large measure to the support of advocates of eminence and high character, such as George William Curtis, Carl Schurz, and Theodore Roosevelt, who could invoke the words of Webster and Clay and Calhoun in their assaults upon the spoils system and in de-

[1] E. C. Marsh, *The Civil Service* (pamphlet, 1922), p. 9, citing J. F. Rhodes, *History of the United States*, VIII (1919).

[2] The maximum number in the executive civil service was reached in 1918 with a total of 917,760. Of this number approximately seventy per cent were classified. See *39th Annual Report, U. S. Civil Service Commission* (1921–22), pp. vi–vii.

fense of reform measures. Then, too, the work of Dorman B. Eaton on the civil service of Great Britain had a profound influence in creating sentiment favorable to the reform. The work of these men was ably reinforced by the powerful influence of the press and by the skilful drawing of the provisions of the civil service act, largely the work of Mr. Eaton, which has scarcely been amended down to the present day. Finally, the merit system, for the most part, has had the cordial approval of the heads of the important offices subject to it, and this factor has been of prime importance in contributing to the success of the reform.

Early Opponents of Reform.

Opposition to the merit system has come almost exclusively from two classes of persons: those who are the direct beneficiaries of the spoils system—that is, the politicians personally interested in its continuation—and those who did not thoroughly understand the nature and operation of the merit system. When the system was first adopted, it was urged, by way of objection, that the system was "un-American"; that it would destroy the independence and constitutional prerogative of the executive; that it was unconstitutional; that it would be an unjust interference with the rights of office-holders as citizens; that it would lead to political indifference on the part of the public and so to the decay of political parties; that tenure during good behavior would result in the establishment of an aristocratic and insolent bureaucracy; that while competitive examinations might be a test of ability, they would tend to give college graduates a monopoly of the offices and would furnish no guarantee of integrity. Not content with arguments, some opponents of civil service reform indulged in ridicule, calling the examinations a "Chinese system," and describing the reformers as "holier-than-thou's" and as "goody-goodies"; while it was very common to nickname the reform "snivel-service reform." [1]

Fortunately the reform and the reformers not only survived, but successfully met and overcame, all these attacks. Early the

[1] See A. W. Tourgee, *No. Am. Rev.*, CLXXXII, 305 (1881), and E. E. Sparks, *National Development, 1877–1885*, p. 195.

constitutionality of the civil service act was set at rest by an opinion of the attorney-general sustaining the law, and practically none of the dire results predicted has appeared.

Present-Day Opponents of Reform.

Nevertheless, the enemies of reform are still numerous. The machine politicians who profit by the spoils system have not yet surrendered. Scarcely a year passes in Congress without some attempt in the House committee of the whole to strike out the appropriation for the support of the Civil Service Commission, or without some other insidious attack. Opposition to federal civil service reform, however, is seldom open and outspoken. Generally it is more or less private, and this fact testifies to the enormous advance which the reform has made among thinking people and politicians. Where conviction is absent, fear of public condemnation will in all probability operate in the future, as it has operated in the past, to prevent the undoing of the reforms which have been achieved during the past forty years. This belief finds support in the fact that the thinking and disinterested public has come to appreciate the beneficial results flowing from the steady extension of the merit system. These results fall naturally into two main divisions, economic and political.

Economic Benefits of Civil Service Reform.

The *economies* effected by the competitive system of selection and promotion in the federal service are numerous and various: (1) fewer people are needed to do a given amount of work; (2) sinecures are more readily detected and abolished; (3) a day's work is got for a day's pay; (4) superfluous work and offices are less frequently created in order to make places for henchmen; (5) work has been more efficiently performed; (6) the waste caused by the frequent bringing in of inexperienced persons has been greatly diminished;[1] (7) a reduction in the working force is often ac-

[1] Nevertheless the "turn-over" in recent years has reached alarming proportions, owing to the low compensation received by employees in many branches of the government service in comparison with similar positions in private institutions. See *Nat. Mun. Rev.*, XII, 444 n. 4; M. Conyngton, "Separations from the Government Service," *Monthly Labor Review*, XI, 1131–1144, (1920); "Our Starved Patent Office," *Literary Digest*, LXXII, February 4, 1922, p. 24.

companied by an increase in the amount of work done—in other words, there is often increased efficiency with fewer employees. Although it is obvious that these economies can never be estimated with precision in dollars and cents, the Civil Service Commission some fifteen years ago calculated that there was a saving to the government, directly attributable to civil service reform, of approximately $15,000,000 a year.[1]

Political Benefits: Political Favoritism Reduced.

The chief *political benefits* have flowed (1) from a substitution of an open "competition of capacity, attainments, and character for an otherwise secret and inevitable competition of partisan and official influence, of solicitation, of threats, and of selfish interests." Competitive examinations reduce the method of getting into the subordinate public service to a procedure of great simplicity and justice. "The official having the appointing power can say to every importunate applicant and his backers: Go into the examination; if you show yourself among the most worthy, you may get an appointment in due time. If you are not among them, you deserve no place. That is all that I can do for you. Office-seeking is thus defeated by being made futile. The merits of the applicant, and not his begging, his threats, or the pressure of his backers, is what must give him a place."[2] Competitive examinations are not infallible, but they are better tests of fitness than the prejudices, friendships, and personal and political interests of men in public life.

Political Assessments Abolished.

(2) Another beneficial political result of the civil service act has been the outlawing of the practice of assessing government employees for party campaign funds. Such cases as are brought to the attention of the Civil Service Commission from time to time are promptly investigated and the facts reported to the president, who has almost uniformly sustained the recommendations made by the commission. Two striking instances will illustrate this: the finance clerk in the Philadelphia post-office was removed for collecting political assessments for the Republican party in the midst of

[1] C. W. Eliot, *The Fundamental Reform* (pamphlet).
[2] D. B. Eaton, in Lalor, I, 485.

the campaign of 1904; and more striking still was the removal in 1908, in the height of the excitement of the presidential campaign, of the collector of customs at Port Huron, Michigan, and of a special treasury agent at the same place for assessing employees, although one of the latter was thought to be a considerable power in Republican politics in Michigan.[1]

Diminished Political Activity in the Competitive Service.

(3) A great reduction in the amount of "pernicious activity" in politics on the part of federal office-holders may be noted as a third political benefit directly traceable to the civil service reform movement. Indeed, the civil service rules start off by declaring that "no person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof." Though materially checked, the evil of political activity unfortunately has not been extirpated. Unlike the assessment evil, political activity is not prohibited by the terms of the civil service act. In the classified *competitive* service political activity is restricted solely by executive orders, which may or may not take the form of amendments to the civil service rules.[2] The rules were thus amended by the executive order of President Roosevelt, dated June 3, 1907, prohibiting the political activity of competitive employees. The commission was given jurisdiction to investigate cases of alleged improper activity of that sort. The rules now state that persons in the competitive classified service, "while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns."[3]

[1] J. H. Choate, *Twenty-five Years of Civil Service Reform* (pamphlet). See above, Chapter XI, pp. 211–213.

[2] The first executive order on this subject was issued by President Hayes; President Cleveland's famous "pernicious activity" order of July 14, 1886, applied to all office-holders without distinction. See Choate, *op. cit.*

[3] Civil Service Rule I. The following statement shows the various forms of political activity which have been held to be forbidden on the part of competitive classified employees:

"Service on political committees, service as delegates to county, state, or district conventions of a political party, although it was understood that

All complaints of the violation of the rule against political activity on the part of classified competitive officials are investigated by the commission and the facts reported to the president, and appropriate punishment is inflicted. These cases are likely to arise most frequently in years in which a presidential election occurs, but even then they are not numerous. When it is taken into consideration that there are more than 400,000 employees in the competitive classified service, the number of charges of improper political activity is remarkably small, indicating compliance by classified employees generally with the rule in this regard.[1]

Unfortunately in the unclassified or *non-competitive* service the situation is quite different. These offices continue to be political agencies, and their occupants are active politicians.

the employees were not 'to take or use any political activity in going to these conventions or otherwise violate the civil service rules'; service as officer of a political club, as chairman of a political meeting; continued political activity and leadership; activity at the polls on election day; the publication or editing of a newspaper in the interests of a political party; the publication of political articles bearing on qualifications of different candidates; the distribution of political literature; holding office in a club which takes active part in political campaigns and management; making speeches before political meetings or political clubs; circulation of petitions having a political object, of petitions proposing amendments to a municipal charter; circulation of petitions favoring candidates for municipal offices, and of local-option petitions; service as a commissioner of election in a community where it was notorious that a commissioner of election must be an active politician; accepting nomination for political office with intention of resigning from the competitive service if elected; recommendations by clerks and carriers of a person to be postmaster; activity in local-option campaigns; service as inspector of elections, ballot-clerk, ballot-inspector, judge of election, member of election board; candidacy for or holding of elective office." See *27th Annual Report, U. S. Civil Service Commission* (1909–10), p. 22; and *40th Annual Report* (1922–23), pp. 38–39.

[1] In 1922–23 there were 296 complaints of political activity in violation of the rules. Upon investigation of these charges by the Civil Service Commission, 109 cases were dismissed for lack of evidence, 12 offending employees were allowed to resign, disciplinary action was taken in 112 cases, and 63 cases were still pending at the end of the fiscal year. Many of these cases arose in connection with the presidential campaign of 1920 and the congressional and state elections in 1922. By far the greater number of employees against whom charges were filed were fourth-class postmasters and rural carriers. *40th Annual Report, U. S. Civil Service Commission* (1922–23), p. xxvi.

To this extent, therefore, the old evils of the spoils system persist comparatively unchecked. When political activity on the part of the great political officers of the federal government, like the president and heads of departments, assumes the form of speech-making in explanation, defense, or advocacy of the policy of the administration, such political activity deserves hearty commendation; it is nothing more than the administration taking the people into its confidence. That the people should hear the policies of the administration discussed by those officials who are most responsible for and most familiar with them[1] is right and highly proper. But this does not apply to most *non-competitive* federal office-holders, and their activity in primaries and conventions in the interest of those to whom they owe their appointments and by whose favor they continue in office leads to neglect of duty and to absenteeism on a large scale. During every presidential campaign the government pays large sums in salaries to officials who devote themselves to politics, while their offices are largely left to the control of subordinates.[2] Office-holders played an especially prominent part in the presidential campaign of 1908. A comparison of the roll of the Republican convention of that year with the roster of federal office-holders shows that more than one-tenth of the delegates to the Chicago convention were federal office-holders. In several delegations from Southern states more than one-third, and in two cases two-thirds, were office-holders, who of course were active locally in caucuses and conventions.[3] Much, therefore, remains to be done to check the political activity of office-holders by extending the competitive system so as to include officials for whose appointment confirmation by the Senate is required, and those who are specifically excepted by law from the classified service.[4]

Political Activity of *non-Competitive* Service.

Extension of the Merit System to the Country Postmasters.

[1] See *Outlook*, XCVI, 575 (1910). [2] C. W. Eliot, *op. cit.*

[3] J. H. Choate, *op. cit.* Office-holders were likewise conspicuous in the Republican convention in 1912, and in both Republican and Democratic conventions in 1920.

[4] Unclassified laborers in the navy-yard service and in several other exec-

(4) An enormous reduction in the number of removals of officials for political reasons constitutes one of the most important benefits attributable to civil service reform. Indeed, security of tenure is an essential feature of the merit system, and is largely due to the provision in the law which prohibits removals for failure to contribute money or services to a political party.[1] In all other respects, however, the appointing officials' power of removal is unrestricted save by the Act of 1912, which provides that no person in the classified service shall be removed "except for such reasons as will promote the efficiency of the service."[2] The grounds which will justify removal "for the good of the service" are left to the discretion of the appointing officers, and thus a wide door is opened for the re-entrance of the spoils system.[3] But even in such instances the employee whose removal is sought has some measure of protection in the provision of the law of 1912 which requires that he be furnished with a written statement of the reasons for his removal, and be given an opportunity to answer any charge against him.[4]

Reduction in Number of Removals.

The acts of 1820 and 1836 limiting to four years the term of large classes of government officials have not been repealed, but in practice they have been more and more disregarded by means of reappointments, and are never invoked as a justification for a "clean sweep" in government offices. Indeed, a "clean sweep," such as was common before 1883 with a change of executives, is a thing of the past. On the contrary, the comparative permanency of tenure now enjoyed by govern-

utive departments are subject to dismissal for political activity in the same manner as are competitive classified employees. This is a departmental rule in each case, and not a civil service rule. See *40th Annual Report, U. S. Civil Service Commission* (1922–23), pp. 39–40.

[1] Civil Service Act, § 2. [2] Civil Service Rule XII.

[3] Recently there have been several instances of removals "for the good of the service," which appear to have been mainly for political reasons, notably in the Bureau of Engraving and Printing. See H. W. Marsh, "The Recent Spoils Raid in Washington," *Nat. Mun. Rev.*, XI, 269–274 (1922).

[4] No public hearing or trial of any kind, however, is guaranteed under the federal civil service law and rules, although provided for in some state and municipal civil service laws.

ment officials is often made a point of criticism by opponents of civil service reform, who sometimes complain that unfit men are kept in the service, being "protected by the rules." The truth of this charge the Civil Service Commission vigorously denies.

(5) Finally, it can be stated that the federal civil service under the merit system has improved in honesty and general character. "One now finds in the service of the government hundreds of university-trained men who have entered on avenues of advancement in the public service that vie in attractiveness with academic careers. Furthermore, thousands of purely clerical positions in the departments are filled by men and women who in training and equipment for their duties would do credit to the best-managed business houses in the land." Hence it is that "the common people now think of the government service, not as a charity or as affording a livelihood for incompetents, or as a means of paying and feeding the henchmen of political leaders, but as a great business organization for doing efficiently and honestly large pieces of business which the people want to have done well." [1]

Elevation of the Civil Service.

It can scarcely be repeated too often that all the worst evils of the spoils system still flourish comparatively unchecked in connection with the governments of our states and large cities. To these of course the federal civil service act does not apply. Here at the present time exists the greatest need for the adoption and the vigorous and impartial enforcement of a competitive system modelled upon the federal merit system. Securely intrenched behind the thousands of offices in state and municipal governments, the machine politician is making his last fierce stand against the increasingly vigorous attacks of the civil service reform movement. Around these fortresses of corruption in the near future the greatest victories for clean government are to be won.

Civil Service Reform in States and Cities.

Slowly but steadily the cause of reform has been effecting

[1] W. B. Shaw, *Rev. of Rev.*, XXXI, 317 (1905).

small breaches in these intrenchments. The example set by the federal government in 1883 at once bore fruit in the enactment within a year by New York and Massachusetts of civil service laws which, by subsequent amendments, are now applicable to practically the entire public service in these important states. For over twenty years they were the only states with civil service laws. In all the others the spoils system ran riot until in 1905 Wisconsin and Illinois, and in 1907 Colorado and New Jersey, adopted the merit system. These states were followed by California, Connecticut, and Ohio in 1913, by Kansas and Louisiana[1] in 1915, and Maryland in 1920, making a total of twelve states.[2] In the constitutions of four of these states—New York, Ohio, Colorado, and California—are embodied requirements for the enactment of civil service laws. In four states—Wisconsin, Illinois, Colorado, and California—the laws cover only the state civil service in whole or in part. Four states have civil service laws which cover not only the state service but officials of cities and counties as well, namely, Massachusetts, New York, New Jersey, and Ohio. Civil service reform has made greater progress in the field of municipal government than in connection with state governments. Among the 1,467 cities of the country having (1920) more than 5,000 population, 330, comprising sixty-four per cent of the aggregate population of those cities, are operating their local government under some sort of civil service system. In this number are included 54 of the 68 cities with a population of more than 100,000, and all but one (Indianapolis) of the 25 cities with a population of more than 250,000.[3]

State and municipal civil service acts and rules are, in their

[1] In Louisiana the civil service law applies only to the appointment of state officers at the port of New Orleans.

[2] The Connecticut law was repealed in 1921, leaving only eleven states with civil service laws now in force.

[3] Report of the Special Committee on Civil Service of the National Municipal League, *Nat. Mun. Rev.*, XII, 447, n. 11 (1923). Civil service laws are found in force in a few counties, notably Los Angeles county, California, and Cook county, Illinois; also in a few other political subdivisions, such as the large park districts in Chicago.

main provisions, closely modelled upon the provisions of the federal law of 1883; and are likewise usually administered by a bi-partisan commission of three persons appointed by the governor or the mayor, as the case may be.[1] Not infrequently it has happened that a governor or a mayor hostile to the merit system, or at least out of sympathy with it, has appointed commissioners whose administration of the law has been much like the work of a crew deliberately setting out to wreck the system so far as could be done without actually violating the letter of the law.[2]

Civil Service Commissions.

From such experiences the obvious lesson may be drawn that upon the character of the men selected to administer state and municipal civil service laws, and the degree of their sympathy with the purpose of such laws, almost as much depends as upon the character and provisions of the laws themselves. It is possible for the best law to be made a farce in its practical operation through indifference or hostility on the part of those charged with its administration. Civil service reformers in state and municipal politics should, therefore, bear in mind that with the enactment of a civil service act the battle for good government is only partly won. The fight for reform must be continued in order to secure the appointment of sympathetic and competent officials to execute the law. Here, as in so many other instances, eternal vigilance is the price of permanent reform.

Although civil service laws and rules bar the main entrance to the government service, keeping out the least desirable applicants, there are several side entrances through which political favoritism and partisanship may slip into the service and undermine the merit system, and these will now be pointed out.

Ways of Undermining Reform.

(1) Most, if not all, civil service laws authorize the president, governor, or mayor, as the case may be, to make special

[1] In Maryland responsibility for the administration of the state civil service law of 1920 is centered in a single civil service commissioner, appointed by the governor.

[2] Recent instances of this sort are afforded by the administration of Governor Small in Illinois, 1921–1925, and the administration of Mayor Thompson in Chicago, 1915–1923.

exceptions to the rules whereby certain positions in the classified service may be filled without examination. Such a "dispensing power" seems necessary in order to facilitate the filling of positions for which, on account of the smallness of the pay, the isolated place of employment, or the technical training or professional experience required, there are few, and sometimes no applicants. An executive who is unfriendly to the merit system can, without much difficulty, so employ his power to grant exceptions or exemptions as to facilitate political or personal appointments.[1] But there has been less ground for criticism on this score than in connection with the next "side-entrance."

The Dispensing Power.

(2) To prevent the stoppage of public business or to meet emergencies without the delays which are incident to the holding of examinations, civil service laws and rules permit appointing officers to make temporary or provisional appointments without examination for periods varying in different places from one to three months. It is through the abuse of this power that the merit system is more extensively circumvented than in any other way, especially in cities. In Chicago, for example, in the four months between May and September, 1915, there were over 9,000 such appointments out of a total of about 20,000 classified positions, most of which were quite indefensible from the standpoint of the merit system. An examination of recent reports of civil service commissions in New York, Philadelphia, Buffalo, Los Angeles, Milwaukee, St. Paul and Cleveland, showed that the number of provisional appointments ranged from eighteen per cent to seventy-five per cent of the total classified service, and that in four of these cities the percentage was over forty.[2] After making generous allowance for legitimate temporary appointments to fill unforeseen vacancies or to meet sudden exi-

Provisional Appointments.

[1] In the federal civil service between 1901 and 1923, excluding the two war-years when the number of exceptions rose to 324 and 2,272, respectively, there have been on the average only 51 exceptions a year.

[2] Philadelphia, 42 per cent, St. Paul, 58 per cent, Milwaukee, 72 per cent, Cleveland, 75 per cent. The percentage in New York was 26. See *Nat. Mun. Rev.*, XII, 449–450 (1923).

gencies, such high percentages can only be interpreted as flank attacks upon the merit system.

(3) Another, though less common and less conspicuous, abuse is often found in the exercise of the power to transfer employees from one branch of the service to another. Such authority is necessary in order to relieve a temporarily overburdened branch, but is abused when appointing officials "transfer" persons originally appointed *without examination* to classified positions without subjecting them to an open competitive examination. Obviously the morale of the classified service is certain to be seriously impaired where the power to make transfers is thus abused.

Transfers.

(4) The federal civil service law and a majority of the state and municipal laws permit the heads of departments or other appointing officials to select appointees from among the three who stand highest on the eligible lists or registers for each position. In other laws the appointing officer has no choice but is obliged to appoint the person who stands at the head of each eligible list. The latter method undoubtedly leaves less opportunity for political discrimination than does the so-called "rule of three"; and for that reason many civil service reformers are opposed to this rule.[1] From a purely administrative point of view, however, there is much to be said in favor of the rule of three, since it gives the appointing official a modicum of latitude in selecting those with whom he has to work and for whose work he must assume official responsibility.

The "Rule of Three."

(5) "Veteran-preference" clauses are found in the federal civil service law and regulations, and commonly also in state and municipal laws. Such clauses grant to persons who have a military record either a special rating or actual precedence over all non-veterans on an eligible list, and thus the door is opened, in some measure at

Veteran Preferences.

[1] For a discussion of alleged political discriminations in applying the "rule of three" in connection with appointments in the postal service, see *40th Annual Report, U. S. Civil Service Commission* (1922–23), pp. xxvii–xxix; and W. D. Foulke, *Fighting the Spoilsmen* (1919), Chs. XVII–XVIII.

least, for political or personal influences to make themselves felt; and the efficiency of the service is almost certain to be lowered. For this practice may mean that any veteran who can barely pass an examination for a given place with a mark of sixty (or sixty-five in the case of the federal service) must be preferred for appointment to the non-veteran who may have had a mark of ninety-nine.[1]

(6) Political discrimination may also be exercised by appointing officers in connection with their power of removal. Hence in most state and municipal civil service laws, an effort has been made to protect the tenure of employees in the classified service by not only requiring the removing officer to file a written statement of the charges against the employee whose removal is sought, but also by guaranteeing to any such employee the right to a hearing before dismissal, either before the civil service commission itself, or before a special trial body. In the federal civil service such hearings are left optional with appointing officers and can not be demanded as of right. Reformers are sharply divided as to whether the public interest is best served by giving heads of departments and other appointing officers a fairly free hand in making removals; or whether the only certain guarantee against removals for political reasons lies in giving employees the right to a hearing,[2] before either the civil service commission or some trial body appointed by it.

Removals Without Trial.

If department heads and other appointing officials were every-

[1] In 1921 the people of New York state rejected a proposed amendment adding a veteran's preference clause to the state constitution by a vote of 1,090,418 to 699,697. This is said to be the largest vote on record in the state upon a constitutional amendment.

For discussions of the veteran's preference clause in the federal service see *36th Annual Report U. S. Civil Service Commission* (1919–20), pp. xvii–xix; *38th Annual Report* (1920–21), pp. xvii–xxi; *39th Annual Report* (1921–22), pp. xv–xvii; *40th Annual Report* (1922–23), xiii–xv.

[2] Each of these points of view is well presented in W. D. Foulke, "Removals of Civil Service Employees," *Nat. Mun. Rev.*, VII, 266–271, 365–371 (1918); F. G. Heuchling, "Methods of Removal from the Public Service," *ibid.*, VII, 583–590 (1918); H. W. Marsh, "Removals in the Civil Service," *ibid.*, XII, 335–336 (1923); and M. M. Marks, "Civil Service Trial Boards," *Rev. of Rev.*, LIII, 458 (1916).

where themselves selected in accordance with the merit system, the case for permitting removals without trial would be much stronger. These officials, however, are universally appointed for personal or political reasons, and so the fear of their exercising the power of removal on personal or political grounds, unless trials are guaranteed, is not without very substantial foundation.

Character of Civil Service Commissions.

No one can study the practical operations of civil service regulations with any degree of thoroughness without coming to the conclusion that no matter how wisely and carefully laws and rules may be drawn, the success or failure of the merit system largely depends upon the character, ideals, and efficiency of the members of the civil service commission itself. This body stands like a sentinel guarding the various entrances to the government service; and whether or not personal and partisan considerations are permitted to enter depends mainly upon the vigilance and efficiency with which they apply both the letter and the spirit of the regulations. It has been truly said that "the independence and character of the commissioners themselves is the foundation of good administration of the civil service law." It is most unfortunate, therefore, that the persons who are thus called upon to eliminate or prevent appointment by political favor are themselves generally the product of the political system, and are more or less closely identified with one political organization or another. Especially is this apt to be the case in cities, where the mayor, or the commission in commission-governed cities, usually appoints the civil service commission.[1] Commissioners selected in this way inevitably reflect sooner or later the attitude, toward the merit system, of those who appointed them; and this happens in spite of precautions that may be taken to render them "independent," such as staggering their terms of service in the hope of preventing the appointment of a majority

[1] In Philadelphia and Denver the civil service commission is appointed by the city council; in St. Paul, the comptroller is, *ex officio*, civil service commissioner; in Pueblo, Colorado, the commission is elected by popular vote.

of the commission in any one administration. The problem of determining the best method of selecting civil service commissioners is one of the first importance, therefore, and justifies the amount of time and energy which have recently been devoted to it. As yet, however, reformers are very far from agreement that any of the plans which have recently been brought forward affords substantial improvement upon existing methods of selection, when everything is taken into account.[1] It seems safe to say that no system can be devised which will automatically insure the selection of the right sort of commission—persons who are honest, intelligent, capable, courageous, and politically independent.

Responsibility for Success or Failure of Civil Service Reform.

We are therefore obliged, for the present at least, to carry the responsibility for the success or failure of civil service reform, from a political standpoint, back to the authorities who appoint the civil service commissions, and ultimately to the electorate who place these officials in office. If the president, the governor, the mayor, and city councils can be made to feel that public opinion will not condone playing fast and loose with civil service regulations, it will not be long before we shall have commissioners who will impart a new tone, vigor, and meaning to the enforcement of the merit system.[2]

New Duties for Civil Service Commissions.

Down to the present time civil service commissions have practically everywhere confined their activities to the task of keeping spoilsmen out of the public service, and it is important that there should be no let-up in that most important work. But a strong movement has appeared in the past few years advocating a

[1] In the case of municipal civil service commissions, the recommendation which has received widest consideration perhaps is the one advanced by the National Municipal League committee on civil service. This provides, in brief, for a single commissioner appointed by the chief executive of the city from a list of three made up by a special examining board, consisting of one appointed by the chief executive, another by the superintendent of schools, and the third by these two. See *Nat. Mun. Rev.*, XII, 462–465, 473 ff. (1923).

[2] See National Municipal League, *Report of the Special Committee on Civil Service, Nat. Mun. Rev.*, XII, 441–471 (1923).

broadening of the functions of civil service commissions so that they shall everywhere devote a larger part of their time and energies to promoting the morale and efficiency of civil service employees, and assume functions which, in private industry, are handled by personnel or employment-management departments. Such proposals have given rise to much stimulating discussion of the numerous problems involved, but inasmuch as these relate primarily to the sphere of administration rather than to politics, a detailed statement of them would appear out of place in this volume.[1]

QUESTIONS AND TOPICS

1. Early experiments with the merit system in the New York custom-house and post-office.

2. The debates in Congress over the civil service act of 1883. (See volumes of the *Congressional Record*.)

3. The work of George William Curtis, Dorman B. Eaton, and Carl Schurz in promoting civil service reform.

4. The opinion of the attorney-general of the United States on the constitutionality of the civil service act of 1883.

5. The history and work of the National Civil Service Reform League.

6. The attitude of Presidents Grant, Hayes, Garfield, and Arthur toward civil service reform as reflected in their messages.

7. The national platform declarations of different parties on the subject of civil service reform since 1868.

8. The extension or restriction of civil service reform under (*a*) Presidents Cleveland and Harrison and(*b*) under Presidents McKinley and Roosevelt.

9. Civil service reform applied to the consular service of the United States.

10. The contest in 1908–09 between the president and Congress over the application of the merit system to the appointment of census officials for 1910.

11. How is the appointment of laborers in the employment of the federal government regulated under the civil service rules?

12. Compare the administration of the civil service rules in the

[1] This phase of civil service administration is fully discussed in Governmental Research Conference Report, *The Character and Functioning of Municipal Civil Service Commissions in the United States* (1922); National Municipal League, *Report of the Special Committee on Civil Service, Nat. Mun. Rev.*, XII, 441–471 (1923); *40th Annual Report, U. S. Civil Service Commission* (1922–23) pp. l–c.

Philippines, Porto Rico, and Hawaii, under Presidents Roosevelt, Taft, and Wilson.

13. The general character of the civil service examinations, their preparation, and the machinery for administering them. Compare with the English and German examinations.

14. From the annual reports of the United States Civil Service Commission prepare a report upon the exceptional appointments to places within the competitive service made without examinations.

15. What may be said for and against the exemption of war veterans from the competitive examinations required of all other applicants for positions in the competitive service of the federal government or of the states?

16. The desirability and necessity of some form of retiring allowance for aged or disabled civil service employees.

17. The political activity of federal officials in the presidential campaigns of 1908, 1912, 1916, 1920.

18. Recent violations of the civil service rules forbidding political assessments.

19. What laws have been enacted in your state for a competitive civil service? What defects have appeared in their operation? How might these defects be remedied?

20. The spoils system and the merit system applied to the public school system in large cities.

21. What are some of the practical ways in which state and municipal civil service reform may be promoted?

22. Prepare a report on the operation of the competitive system in a large city like New York, Chicago, Philadelphia, Pittsburgh, Scranton, Boston, Milwaukee, Cleveland, Minneapolis.

23. The arguments for and against the extension of state civil service rules to cover the selection of registration and other election officers, as in New Jersey about 1911.

24. President Taft's messages of January 17 and April 14, 1912, recommending additions to the classified competitive service.

25. The political activity of federal office-holders in the preconvention presidential campaign of 1912. (See *29th Annual Report, U. S. Civil Service Commission.*)

26. The attempt in the second session of the 62d Congress (1912) to undermine the civil service commission and the merit system.

27. Should the heads of administrative departments of municipal governments be chosen by competitive tests? The Boston method since 1909.

28. In what points have the civil service laws been weakened in Connecticut, Colorado, Ohio, and Illinois in recent years? (See Faught.)

29. Civil service provisions in commission-governed cities.

30. In what different ways are cities permitted to adopt civil service rules? (See Faught.)

31. Recent extensions of the merit system in New York City. (See *American Year Book, 1914*, pp. 183–184.)

32. The investigation of New York City's civil service commission in 1914.

33. The abuse of "temporary" appointments in Chicago under Mayor Thompson.

34. Chicago's efficiency commission: its organization, work, and the reasons for its discontinuance in 1915.

35. Attempts by organizations of federal employees to influence congressional legislation. (See *Annual Reports, U. S. Civil Service Commission.*)

36. Criticisms of the United States Civil Service Commission and its administration of the civil service act, in the 1st session of the 63d Congress, March-April, 1913.

37. The administration of the merit system in connection with the fourth-class post-offices under President Wilson.

38. How was civil service reform threatened by the Dies bill in Congress in 1914?

39. Removals and appointments in the diplomatic service under President Wilson. (See Harvey.)

40. The Democratic attempt to take assistant postmasters out of the competitive service, in connection with the post-office appropriation bill in Congress, 1913–14.

41. President Wilson, Congress, and the rider to the urgency deficiency bill in 1913 removing subordinates of internal revenue collectors and United States marshals from the competitive class.

42. President Wilson, Congress, and the appointment of attorneys and other subordinates under the Federal Reserve Board, 1913.

43. President Wilson, Congress, and the exemption of the income-tax collectors from the competitive system.

44. Ascertain the number of federal office-holders who were delegates or alternates to the Democratic national conventions in 1916 and 1920.

45. What are the principal grounds upon which state civil service laws have been attacked in the courts? (See Arneson.)

46. Summarize the arguments for and against giving department heads unrestricted power to dismiss subordinates?

47. Give illustrations of the practical character of civil service examinations conducted by the civil service commissions in Philadelphia, and other large cities.

48. What are the principal criticisms and recommendations con-

tained in the Report of the Government Research Conference on *The Character and Functioning of Municipal Civil Service Commissions in the United States* (1922)?

49. What criticisms have been made of the plan for selecting civil service commissions proposed by the National Municipal League in 1923? (See *Nat. Mun. Rev.*, XII, 473 ff. (1923).

50. What arguments have been advanced in favor of placing greater emphasis upon the personnel, or employment-management, functions of civil service commissions? (See *Nat. Mun. Rev.*, XII, 443 ff. (1923).

51. Work of the Research Section of the United States Civil Service Commission, beginning 1923.

52. Work of the Bureau of Public Personnel Administration. (See *Public Personnel Studies*, II, No. 4, July, 1924.)

53. Decision of New York Court of Appeals in 1921 declaring void the soldier's preference law passed in 1920.

54. Compare and criticise the Democratic and Republican platform planks of 1924, relating to civil service reform.

CHAPTER XVI

MACHINES AND BOSSES. THE TAMMANY ORGANIZATION. CONDITIONS PRODUCING AND PERPETUATING MACHINES AND BOSSES. THE TWO IN JOINT OPERATION. REMEDIES

Nature of the Political Machine.

JUST as in every successful church, club, or lodge, there are a few members who attend meetings regularly, participate actively in the business transacted, and serve on important committees—people who are never "too busy" to do the work that is required, and find pleasure and satisfaction in the service they render—so "in every political party, in every community, there is a group of men who naturally take an interest in politics. They like the human aspects of the problem. They enjoy the leadership that they are able to obtain here. They enjoy the political importance that it gives them as public men. With many men politics is a religion, and they give to it the same passionate devotion that others give to their theology. They keep informed as to the political questions of the community. They serve on the party committees, or stand behind the scenes to plan and advise and scheme. They are the ones who seek out the 'likely' candidates, arrange for the party primaries . . . and look after the interests of the party, the same as the 'pillars of the church' bear the responsibility of its activities." [1]

When groups of such active partisans have worked together more or less successfully for a considerable period of time, they take on some of the aspects of a distinct organization within the larger party organization; and we are in the habit of speaking of such intra-party groups as political "machines." So a political machine may be defined as a more or less formal organization of *the working members* of a party, designed to secure for a few party managers and their friends a predominating

[1] A. B. Hall, *Dynamic Americanism* (1920), pp. 297–298.

influence in the nomination and election, or appointment, of public officers, in awarding public contracts, and in determining party policy generally within a limited area—city, county, or state. A successful machine is virtually an oligarchy of professional politicians.

Distinction Between "Machine" and "Organization."

The term "machine" is really a nickname. The members of the machine prefer to style themselves the "organization." One often finds, therefore, the terms Republican or Democratic "machine" and "organization" used interchangeably, especially in connection with municipal politics. The terms are, however, distinguishable. The real *organization* of a party is the hierarchy of committees which has been described in a previous chapter.[1] Every state, county, and town has its party *organization* in this sense, but some states, and many counties and towns, are happily without any political *machine*. In the larger cities the series of committees which constitute the party *organization* is frequently identical with, or at least controlled by, a local *machine*, in which case it is not inaccurate to use the terms machine and organization as synonymous. Thus, for example, the Tammany machine *is* the Democratic organization in New York City and the Republican machine in Philadelphia *is* the Republican party organization for that city. Sometimes the party organization for an entire state becomes the "state machine." Thus we have had the Hill machine controlling the Democratic organization in New York State, the Quay and the Penrose machine in control of the Republican organization in Pennsylvania. Usually, however, the term machine applies to some area less than an entire state. It is thus possible to find several machines within the same party in a single state. On the other hand, there is ordinarily only one Democratic or Republican organization for a state.

Another distinction between a machine and the party organization may be seen in the motives controlling each. As a rule the organization seeks primarily to promote the interests of the party as a whole. The members of the machine subordi-

[1] See Chapter IX.

nate party interests to their own personal interests. More often than not these personal interests can best be advanced by loyalty to the party organization; but occasions not infrequently arise, especially in large cities, when the Democratic and Republican machines unite, regardless of party differences, to accomplish some common end or to oppose some common foe that for the time being threatens the existence of one or the other machine. The machine politician is usually ready to sacrifice the party if thereby the machine can gain some important advantage.

"Ring" is a term frequently used as synonymous with "machine," but these terms are also distinguishable. Just as ordinarily a machine is only a fractional part of the party organization, so a "ring" is usually a comparatively small clique or inner circle of machine managers. The ring is bent upon accomplishing some purely selfish and usually corrupt end, such as looting the public treasury, securing lucrative contracts for public works, or obtaining valuable franchises. Thus we have had the Tweed Ring in the Tammany machine in New York City and the Gas Ring in the Republican machine in Philadelphia.

Distinction Between "Ring" and "Machine."

The most famous and probably the best organized political machine in existence to-day is that popularly known as the Tammany organization in New York City. A description of the way in which this machine is organized may be taken as fairly typical of the aims, at least, if not the achievements, of political machines in all our large cities, so far as perfection of organization is concerned.[1]

The Tammany "Machine."

(1) The jurisdiction of the organization commonly called Tammany Hall is, strictly speaking, confined to that part of New York City which is legally known as New York County, embracing twenty-three assembly districts, so-called because each of them sends a represen-

The District General Committee.

[1] For the materials and facts upon which this description of the Tammany organization is based, I am indebted to Edwin P. Kilroe, Ph.D., formerly chairman of the general committee of the old nineteenth assembly district.

tative to the lower house of the state legislature. Four other counties are included in New York City, and in at least two of them (the Bronx and Kings) the Democratic organizations are in sympathy with, if not under the control of, the Tammany organization. The enrolled Democratic voters in each of these twenty-three assembly districts elect annually at the primary a *district general committee*, which consists of one member for about every twenty-four votes cast at the last preceding election of governor. Formerly this district general committee was elected at large by the assembly district. Any one aspiring to become the leader of the district would make up his "slate" or primary ticket containing his name first, followed by the names of his supporters, who thus became candidates for the district committee. If this ticket won at the primary, his supporters promptly chose him assembly district leader. Since 1914, owing to the direct primary law enacted in December, 1913, the members of the district general committee are no longer chosen from the district at large, but in the election districts or precincts, into which each assembly district is subdivided.

Functions of the District General Committee.

The district general committee[1] is the central governing body and constitutes the party organization within the assembly district. Its functions include "the maintenance and promotion of party harmony and the postulation and development of principles and programmes for party betterment and progress within its territorial jurisdiction"; the maintenance of headquarters throughout the year; the support of regularly nominated candidates of the Democratic-Republican party,[2] and the conduct and sole charge of campaigns within the district in furtherance of their candidacy. The rules of the eleventh assembly district general committee further declare it to be the especial purpose of the

[1] The district general committees range in size all the way from 232 up to 723, the average being about 466 (1923). This apportionment is changed every two years to conform to the gubernatorial vote.

[2] This is the official title of what is popularly called the Tammany organization, or "Tammany Hall."

district general committee "to maintain and advance the ideals of Democracy and to inculcate in the voters, and exact from all district representatives and officials, the highest respect for those principles of civil and political honesty and public service which a true democracy assures."

Associated with this district general committee is an *auxiliary committee*, elected by the district committee; and the two cooperate in "stimulating party activity and promoting the efficiency of the party organization within the district."

Auxiliary Committee.

The members of the auxiliary committee may participate in all meetings of the district general committee and have "all the rights and powers of members thereof," except that they have no vote in the election of officers of the district committee.[1]

The district general committee maintains a number of *standing committees;* for example, a law committee, a committee on legislation, another on entertainment, a membership committee, a committee on civil service appointment, a committee on public forum, and a campaign committee.

District Standing Committees.

The number of standing and subcommittees varies according to the assembly district, and, while the committees may have different names in different districts, they perform practically the same functions.

The *annual dues* to the general or to the auxiliary committee are fixed by each assembly district committee and may vary according to the location of the district and the financial standing of the members. In some districts the dues are $12 per year, while in others they are only $6, generally payable monthly in advance. The election law of New York gives each party the right to assess dues and the right to expel members for non-payment; in fact, non-payment may be deemed an act of hostility to the party.

Dues.

Each district committee may choose as many officers as it

[1] Eleventh assembly district Democratic-Republican committee, *Regulations and Rules* (1914), 12–13. Before the reapportionment of 1917, this was the nineteenth assembly district, referred to in the preceding edition of this book.

sees fit, and this is done without uniformity in the twenty-three assembly districts of New York County. The rules of the central organization lay down no requirements in this respect, and the state law requires only that a chairman and secretary be selected. In the eleventh assembly district the officers include a chairman, two vice-chairmen, a recording secretary, a corresponding secretary, a treasurer, an executive member, a sergeant-at-arms, and at least two members of the county executive committee, to be explained presently. Only two of these, the chairman and the executive members, require special mention. The *chairman of the district committee* is chairman of the campaign committee and a member of all standing and special committees; he directs and controls the party organization and conducts and supervises general and primary elections within his district; he is directly responsible to the district general committee for the details and management of party affairs within the district and is "accountable for the proper fulfilment of party programmes and the suitable exposition of party policies in the activities of the district organization."

Officers of the District General Committee.

On the county executive committee, prior to 1917, each assembly district committee had been entitled to only one representative, called the executive member or district leader. Since the adoption of woman suffrage in that year, each assembly district committee has been given two executive members, a man and a woman. In the same year the new reapportionment reduced the number of assembly districts from thirty to the present number, twenty-three, with the result that in several instances two or more formerly independent leaders were brought into the same district, and rather than have them fight it out for the supremacy, they have all been continued in office. So at present (1924) there are eight or nine districts which have more than two executive members or district leaders. In the twelfth district, *e. g.* (Mr. Murphy's district), there are three male executive members and three female members, and Mr. Murphy's name also appeared in the list of leaders in that district, thus

"Executive Members" or District Leaders.

apparently giving the district four male representatives. As a matter of fact, however, Mr. Murphy held no office in the district, but had one of the three other men[1] on the list act as his personal representative on the county executive committee.

The *executive members* are commonly known as the *district leaders*, and represent the district organization at all meetings of the county executive committee. In most of the districts the district leaders are the dominant figures in the organization, and all committees and officers are subordinate to their interests and under their absolute control. When a district leader is no longer able to maintain his dominant position and influence he is promptly replaced by a stronger man. The office of executive member may be declared vacant at any time by a majority vote of all members of the district general committee cast at a regular or special meeting. In the *Regulations and Rules* of the district committee of the eleventh assembly district[2] it is made a district leader's duty "to assert the principles and maintain the ideals" set forth in the party rules in all party councils which he may attend in his official or quasi-official capacity; "to secure proper recognition for the district organization in the distribution of party patronage," and to "recommend for appointment to and advancement in public office only such enrolled Democrats as the district general committee may designate"; to "protect all civil service and exempt appointees in public office or employment from political or personal harassment or removal," for which purpose he may invoke when necessary the assistance of the general committee. As district leader "it is his duty to preserve party harmony and to advance generally the interests and success of the party in the district." Stated more concretely, it is the business of the district leader to select the candidates for the local offices, such as assemblyman and alderman, and

Duties of District Leaders.

[1] William P. Kenneally.

[2] The scheme of organization of the eleventh assembly district is typical of the assembly district organizations throughout New York County. Their rules and regulations, however, are not reduced to writing except in rare instances.

the persons thus selected become the "organization candidates" for whose election or nomination the supporters of Tammany are expected to work. Where a candidate is to run for an office in more than one assembly district—for example, for congressman or for the municipal court—the district leaders in the territory comprising the congressional or municipal court district select the organization candidate. For county and borough offices the selection is made by the county leader—that is, the head of the entire Tammany organization—who submits his selections to the executive committee for approval.[1]

(2) To supplement the district general and auxiliary committees, *district clubs* are maintained the year round. These form important social centres both for the party workers and the plain voters. Annual balls are arranged, also summer festivals and picnics, likewise smokers, card-parties, and other forms of amusement and entertainment. Some of these clubs have a more serious purpose. The constitution of the Monongahela Democratic Club of the eleventh assembly district declares that ". . . it shall be the policy of this club to foster a becoming pride in the Democratic party . . .; to promote the spirit of solidarity and good-fellowship among its members by affording frequent opportunities for the interchange of social amenities; and by the maintenance of a forum for public meetings and discussion, and by the dissemination of scholarly and appropriate literature, to assure a full and fair understanding of our civic, industrial, and sociological problems and conditions." The needs of the poorer and laboring population are by no means overlooked. At one time there was a "Patrick Divver Association" in one district, in another a "Michael O'Hara Association," and a "Timothy D. Sullivan Association" in a third; and at the present time the "John F. Curry Association" and the "Thomas J. McManus Association," named after certain assembly district leaders, are still in active operation. The leaders after whom these associations have been named have made it a regular practice

District Clubs.

[1] For an imaginary, yet essentially true, description of the daily routine of a Tammany district leader, see Beard, *Readings*, 579–580.

to give their constituents a vast free picnic in summer, chartering steamers and barges, hiring a band, and providing liberally for refreshment and amusement. Likewise in the winter months food, clothing, and fuel are supplied to the needy.[1]

In addition to charity, the district clubs provide free legal assistance for the poor. They are defended in the courts and provided with bail if arrested, and otherwise helped in the matter of parole, suspended sentences, etc. One of the great sources of strength of the Tammany machine is the well-known fact that if any of its constituents becomes involved in legal proceedings, criminal or civil, the organization will provide bail, legal advice, or other aid. Tammany, therefore, stands not only for politics but for sociability, amusement, good-fellowship, charity, and social service; and these features have contributed in an incalculable measure to the success and permanence of the machine.

Social Service.

(3) The members of the twenty-three assembly district committees together constitute the Democratic-Republican *general or county committee* of New York County. Theoretically, this is a most democratic institution, since its members come from close contact with small units of party voters; but as a matter of fact its great size, consisting (1924) of 10,735 members, makes it an unwieldy body so far as actual control over party business is concerned. Its size has been defended on the practical ground that it enlists among the official workers of the party at least one man in twenty-five, and also upon the still more practical ground that it brings in a neat sum each year into the party treasury through the annual dues of members. The amount of these dues is fixed by each assembly district committee, and varies from $6 to $12 a year. On account of its unwieldy size, this general committee holds no regular meetings, and special meetings only at rare

The General or County Committee.

[1] See H. C. Merwin, *Atlantic Monthly*, LXXII, 244 (1898). "It is said that Tammany's contributions to the necessities of the poor equal from 15 to 25 per cent of the amount annually expended for charitable purposes by New York's combined churches and benevolent societies."—*Outlook*, LXXXI, 550 (1905). See Beard, *Readings*, 581, "Charity in Tammany Politics."

intervals;[1] practically all party affairs are attended to by the subcommittee called the county executive committee and by the county leader.[2]

(4) The county *executive committee* consists at the present time (1924) of seventy-three voting members and fifteen non-voting members. The voting members include thirty-six male members, and thirty-five female members from the assembly districts, and the chairman and treasurer of the county committee. The non-voting members include the chairman and vice-chairman of seven subcommittees[3] of the county committee, and the leader of the Colored Democracy. Under the rules, any member of the executive committee may be removed by a majority vote.

County Executive Committee.

By this executive committee the internal affairs of the entire Tammany organization are directed, its candidates for the principal municipal and county offices selected, and plans of campaign for their election arranged. "The executive committee and the men intimately associated with it, although often unofficially, virtually control the government of the party and of the city of New York whenever the party is in power. They control the finances of the county organization, disburse the funds, agree upon the distribution of city offices, and decide the policies of the board of aldermen and

Its Functions.

[1] Five hundred constitute a quorum for the transaction of all business. The officers of the county committee are as follows: (1) chairman and president, (2) first vice-president, (3) second vice-president, (4) a district vice-president from each of the twenty-three assembly districts, (5) a secretary, (6) a recording secretary, (7) a corresponding secretary, (8) three general secretaries, (9) a district secretary from each of the twenty-three assembly districts, (10) a treasurer, and (11) a sergeant-at-arms.

[2] The members and officers of the county committee also constitute the members and officers of the borough committee of the Borough of Manhattan. The members of the county committee also serve in numerous other *ex-officio* capacities; those elected in each congressional, senatorial, aldermanic, judicial, and municipal court district serve as the district committees within their respective districts.

[3] These subcommittees are (1) law, (2) legislation, (3) printing, (4) resolutions and correspondence, (5) elections and elective officers, (6) public improvements, and (7) rules. They are all appointed by the chairman of the county committee.

other branches of city administration." [1] It is the all-powerful group within the larger Tammany organization.

The outstanding figure in the executive committee is the *county leader*, and he dominates the committee much as a forceful university president often dominates the board of trustees: any suggestions made by the president to the trustees as to appointments and matters of educational policy and administration are usually adopted without opposition. In the same way the suggestions of the county leader as to candidates, party expediency, etc., are usually endorsed, without question, by the executive committee. From 1902 until his death in 1924 the county leader and head of the Tammany machine was Charles F. Murphy. He was a natural leader who occupied no official position in the county organization; he was not an officer of the county committee nor of the executive committee, nor even chairman of a subcommittee of these committees.[2] Nevertheless he was the political Nestor of the organization, and because of his rare political judgment and his shrewd manipulation of men, he was able to maintain a firm, and practically unchallenged, control of the party machinery for more than two decades. Holding no public office and no office in the organization other than that of district leader in his assembly district, and controlling the organization only through sheer personal influence, Mr. Murphy could have been deposed only with the greatest difficulty. It would have been necessary to elect county committeemen and executive members who would have refused to go to Mr. Murphy for counsel and advice, or to follow his suggestions or orders. Probably nothing short of a revolution in Tammany could have brought this about.[3] Indeed, Mr. Murphy's influence had

The County Leader, Charles F. Murphy.

[1] Beard, 662.

[2] During the period when Kelley and, later, Croker were leaders of the Tammany machine, the leader held some official position; for example, the chairmanship of the finance committee and of the executive committee of the county organization.

[3] In the other counties in New York City the county leader is usually chairman of the county committee. In New York County the chairman of the county committee and the chairman of the executive committee are mere functionaries who look to the county leader for advice.

steadily increased of late years; so that at the time of his death, in 1924, he was the unquestioned leader of the Democratic party in the State of New York, as well as in the county and city. It was freely predicted that, from this vantage-point, he would exert a powerful influence in the national councils of that party in the presidential campaign of 1924.

Mr. Murphy's sudden demise, on the eve of the Democratic national convention, left the organization without a leader at a critical time; no one appears to have been in training for the succession, and there was no one unanimously conceded to be Murphy's political heir. After canvassing the situation, the executive committee, in May, 1924, elected James A. Foley, judge of the surrogate court and a stepson-in-law of Mr. Murphy, to the leadership. The next day, however, he declined the honor and issued a statement explaining that the main reason was his impaired health. Thereupon it was decided to postpone the selection of a new leader until after the adjournment of the Democratic national convention.[1] Accordingly, on July 14, the executive committee reconvened, received the report of a subcommittee of seven, and almost unanimously adopted its recommendation that Judge George Olvany be elected to the leadership. The new leader is reported to be "a thoroughly competent man, a product of New York politics, well schooled in the Tammany system, personally honest, and with a very sympathetic nature."[2]

Murphy's Successor.

The twenty-odd *assembly* districts in New York County are subdivided into *election* districts or precincts, each containing

[1] This delay was requested by Governor Alfred E. Smith, who felt that his chances of obtaining the Democratic nomination for the presidency might be better if the delegates did not have the opportunity to raise the issue of "Tammany and Bossism" in the convention. The result was that the New York delegation in the convention appeared to be leaderless.

[2] For some years Judge Olvany served as assistant corporation counsel in New York City, and for two years was an alderman. He also served as deputy fire commissioner. In January, 1924, Governor Smith appointed him judge of the court of general sessions in New York County, a position carrying a salary of $17,500. This is a court of general criminal jurisdiction. From this position Judge Olvany immediately resigned upon his election to the leadership of Tammany.

about 400 voters. For every election district the chairman of the district general committee appoints a *district captain* and may also appoint an assistant captain. Each captain is the official representative of the party in his election district, and is directly responsible to the district general committee, and may be removed at any time by its chairman. He is required personally to acquaint himself with the political affiliations and tendencies of all voters within his election district; and a list of them he must carefully compile and revise before every primary or general election, reporting to the general committee of the district the names of all voters removing from or establishing residences within the election district. He is made responsible to the district general committee and the district leader for the maintenance and augmentation of the party vote in his district. He officially represents the party at the polls on registration and election days and appoints watchers, challengers, and party workers to assist him in bringing out the party registration and vote. He likewise recommends to the chairman suitable voters to serve as election officers.[1] The district captains are not paid directly for their services, but many of them are office-holders. Money is supplied them on election day which is distributed in various ways; party workers are set to work at from five to ten dollars a day to check off the poll-list as the voters appear at the polls, to guard against fraud, to watch the canvass, to send messages to delinquent voters who neglect or forget to go to the polls. The amount of money given to a captain depends upon the importance of the election, the location of the district, the political complexion of the electorate, and the general financial standing of the voters in the election district. In some election districts only a small sum of money may be used legitimately. In some of the down-town districts below Fourteenth Street the sum given to an election district captain varies from $150 to $400.

Election District Captains.

The *district captains committee* is composed of the captains

[1] In 1924 there were 1,005 district captains in New York County. See F. R. Kent, *The Great Game of Politics* (1923), Chs. IV–VI, on the precinct executive.

of the various election districts within an assembly district, and holds regular meetings. From time to time this committee recommends to the consideration of the district general committee policies and measures designed to maintain and increase the efficiency of the district organization and to promote the success and safeguard the interest of the Democratic party in the district.

District Captains Committee.

Such in outline are the principal features of the most famous and formidable political machine in the history of American politics.[1]

The circumstances, conditions, and causes which have produced or promoted the development of political machines in this country may be summarized as follows:

(1) The spoils system has been, perhaps, the most important single factor. In the distribution of federal patronage the president required an intermediary in each state, and so representatives in Congress, but especially senators, became the first state bosses. Their power was largely based upon their control of federal offices within their states.[2] At the present time, control of state and municipal offices constitutes an even more important factor. "The cohesive power of the 'organization' is offices," said a prominent leader of the Philadelphia Republican machine. "We have ten thousand office-holders and they are all ours. Under the present administration no man can get an office unless he is loyal to the 'organization.' If you want office or preferment in political life, you will have to get it through the organization. Foreigners, when they come here, vote the Republican ticket. Why? Because we have the offices and they expect favors from office-holders. In New York they vote for Tammany for the same reason. Our organization bears the same relation to Philadelphia that Tammany does to New

Factors in Development of Machines: The Spoils System.

[1] The best account of the part played by Tammany in the politics and government of New York City and State is G. Myers, *History of Tammany Hall* (new ed., 1917).

[2] See John Wanamaker's analysis of the famous Quay machine in Pennsylvania, quoted in Beard's *Readings*, 127.

York. The ownership of the offices means the power for withholding patronage and for conferring favors upon citizens generally, who, in turn, will support the organization. It is through this far-reaching power that the great Republican party is given its majority in this city and state. Without the offices, this great edifice would crumble and fall. . . ." [1] And it may be added that the main strength of *all* political machines springs from patronage, and they hold firmly together either from actual possession or the eager expectation of its complete control.[2]

(2) Among the most potent factors in the development of machines and bosses has been the multiplication of the number of elective offices which began early in the nineteenth century.

Multiplicity of Elective Offices.

As a means of diminishing aristocratic control of government, appointive offices were turned into elective by the wholesale. Even the heads of state executive departments that had been appointed by the governor or by the legislature were made elective; and the judges of state courts did not escape.[3] These changes, occurring almost simultaneously with the rapid extension of the spoils system, resulted in bringing forward the political specialists

[1] David H. Lane, quoted by C. R. Woodruff, *Yale Review*, XV, 8 (1906–07). One important feature of the Philadelphia Republican machine is the completeness and thoroughness with which the organization takes care of its workers, and yet subjects them to constant dependence upon it for support and maintenance. "The old plan of independent ward leaders was abolished, because it made necessary the taking of their wishes and views into consideration. Each ward leader with few exceptions . . . was given an appointive position, so that at any time at which he might prove recalcitrant he can be brought to terms by threatening removal. Councilmen were controlled by receiving clerkships in the administrative departments or by having their near relatives, sons, daughters, or others dependent upon them for livelihood, given appointive places. In this way or through subsidies to interests in which the ward leaders or councilmen were interested, the machine could depend at any moment upon the unquestioning fealty of its retainers. It did not have to discuss ways and means with them or secure their views. It knew that by the very simple process of threatening to cut off their bread and butter they could bring them to support the most iniquitous or arbitrary measures." C. R. Woodruff, *Yale Review*, XV, 13 (1906–07).

[2] G. W. Curtis, *Orations and Addresses*, II, 164.

[3] H. J. Ford, *The Rise and Growth of American Politics*, 298; and Beard, 89 ff.

whom we usually call professional politicians and bosses. For it was early found to be impossible for the people at large to remember when the terms of so many officers expired and to make provision for the nomination and election of their successors. Nevertheless, this political work had to be done by some one and still has to be done. The mass of voters being unable or unwilling to devote the necessary time to this work, it naturally fell into the hands of those who made it their chief if not their only business. To a certain extent, therefore, these political specialists are a genuine and a useful product of American democracy.[1]

(3) The growth of big business interests desiring special privileges at the hands of state legislatures and municipal councils has contributed greatly to the power of machines and bosses.

Big Business Corporations.

Corporations have found that the easiest way to obtain the privileges desired was to contribute money more or less regularly and generously to the support of the dominant machine in the state or municipality concerned, regardless of party.[2] Living to a great extent upon the corporations, bossism and machine politics have flourished best in states where big capitalist interests were concentrated, where corporations were most numerous, such as New York, New Jersey, and Pennsylvania; but they also flourish in many other places.[3]

[1] H. J. Ford, *op. cit.*, 299; H. Croly, *The Promise of American Life*, 118, 149. "The professional politician is frequently beaten and is being vigorously fought; but he himself understands how necessary he is under the existing political organization and how difficult it will be to dislodge him. Beaten though he be again and again, he constantly recovers his influence, because he is performing a necessary political task and because he is genuinely representative of the needs of his followers." *Ibid.*, 125.

[2] Behind Murphy, the head of Tammany, are the corporations whose hope of illicit gain lies in controlling the board of estimate and apportionment, which determines the appropriations, lets contracts, and votes franchises. *Outlook*, LXXXI, 646 (1905).

[3] The following is a description of the Republican machine in Pennsylvania under the late Senator Penrose. ". . . Picture a pyramid. The apex is Senator Boies Penrose. His throne, inscribed with 'The Divine Right of Bosses,' rests upon McNichol and Vare. Under McNichol and Vare are contractors, dual office-holders, and hand-fed ward leaders. These

(4) To the foregoing conditions and causes should be added the indifference and neglect of public duties characteristic of the average voter who is mainly engrossed in his own affairs and takes no active interest in politics. These are the citizens who remain away from the primaries and thus permit the selfish and unscrupulous members of their party to control the nominations, little appreciating the fact that the primaries are the strategic positions in our system of government and that whoever controls them controls the government.[1]

Political Apathy of Voters.

(5) Slavish devotion to one or the other of the national parties, the spirit which keeps men loyal to "regular" party action, whether that action is controlled by disinterested leaders or by knaves, has helped enormously to make the machine possible. This spirit manifests itself in the vast number of voters who can always be counted upon by the machine to vote the straight party ticket on election day, if the candidates be not too flagrantly offensive to the moral and political standards of the community, however inferior in merit they may be to the candidates of the opposing party.

Slavish Devotion to Party "Regularity."

(6) The great cities have afforded the best soil for the development of the political machine and ring. This is in part due to the fact that they contain the largest mass of manageable

rest for their influence and immunity upon scores of lesser bosses, bosslets, and boss-barnacles apportioned to the various communities of the Commonwealth. Beneath these are the wholesale and retail liquor interests, rich, astute, unscrupulous, and levying tribute upon themselves and disreputable dependents to fill the coffers of the dynasty above them. The next layer of the pyramid is made up of solid business men, holding their breath and shutting their nostrils, but all the while patiently bearing all, ignoring all, extenuating all because Penrose, the reputed tariff mogul, is thought to sway the protection sceptre that permits them to draw dividends and divide profits. And then, under everything and carrying the weight of all, are the great, dear, sincere, unsophisticated but duped, God-fearing citizens who have thought so much of the raptures of the next world that they have not surmised the rottenness of this." Editorial in Philadelphia *Public Ledger*, January 10, 1915.

[1] See F. R. Kent, *The Great Game of Politics* (1923), Ch. II, "Why the Primaries Are More Important than the General Election."

voters, especially the foreign voters, ignorant, easily led, and purchasable. District, ward, and city machines are often built up through ability to handle these voters as a mass at primaries and as floaters on election day. In the cities, furthermore, are to be found innumerable offices to be distributed as political prizes, along with abundant opportunities for jobbing and grafting in connection with the awarding of public contracts and municipal franchises.[1]

Mass of Manageable Voters in Large Cities.

(7) Mention should also be made in this connection of constitutional provisions and laws which require representation of a minority party on appointive boards and commissions. For example, the appointment of numerous boards and commissions of three members is authorized and the requirement laid down that not more than two shall be members of the same political party. This species of "minority representation" was well intended at first. It was designed to serve as a check upon the majority party and to mitigate the evils of partisanship in administration; and where parties have been evenly divided it has often fulfilled its original purpose. But in states and large cities where one party has had an overwhelming majority, the system has been diverted to the grossest purposes of political corruption, and has been no small factor in the construction of mischievous political machines or "bipartisan combines." The leaders of the dominant machine have seen to it that minority places are not given to genuine partisans of the opposition. This has been conspicuously wrought out in Pennsylvania, where it has been stated recently that the minority place-holders in ninety-five per cent of instances were minority men only in name, in actuality being part and parcel of the Republican machine, calling themselves "Democrats" but in their hearts being handy men for the Republican bosses. For many years the minority party in that state has subsisted, from the patronage point of view, on these

Bipartisan Boards and Commissions.

[1] But it must not be supposed that political machines are confined to cities. County machines and rings, sometimes of the worst sort, have flourished, and still exist, in many rural sections of the country, in connection with county government.

minority places obtained through connivance of the dominant party machine. A close bond of self-interest was thus created between the venal leaders of the minority and the managers of the dominant party; the Democratic party became degraded to little more than an appendage of the Republican machine.[1] A minority party rigidly excluded from any share of the spoils will be far more likely to grow in moral and numerical strength than where the bipartisan system of appointments prevails.

"Bosses" and "Bossism."

Leadership is necessary and inevitable in any large and efficient organization. By a process of natural selection, the modern political machine has evolved a hierarchy of managers or leaders who devote practically their entire time to politics. We have referred to them as the "bosses." Their successful manipulation of the party organization whereby elections are carried, offices distributed among their followers, and contracts and franchises awarded to themselves and their friends, is commonly called "boss rule," "bossism," or the "boss system."

A boss is something more than a partisan or professional politician: there are many partisan or professional politicians who are not bosses. A boss is not the same thing as a bad or unprincipled politician: there are many bad and corrupt politicians who are not bosses. The boss is not only a partisan and professional politician, but a political machinist who uses the local machinery of the national party to which he belongs for his own personal or factional advantage in the political affairs of the state, county, city, or district of which he happens to be boss. From this it will be seen that "the word boss connotes a territory as much as the word king does; a boss must be a boss of some place, and an unattached boss is as inconceivable as an unattached king." [2]

There are instances where men of high birth and aristocratic

[1] In justice it should be stated that by 1914 the Democratic faction known as the "Reorganizers" had secured control of the state organization, and inserted in their state platform that year a vigorous expression of opposition to the system of bipartisan appointments.

[2] F. C. Lowell, *Atlantic Monthly*, LXXXVI, 289 (1900). See also F. R. Kent, *The Great Game of Politics* (1923), Chs. XIII–XVIII.

affiliations have built up a political machine and leaped into prominence as political bosses almost at a single bound. Such cases, however, are rare, and are due to exceptional circumstances in which the possession of great wealth, unusual personal magnetism, and extraordinary skill in managing men play a most important part. In the vast majority of cases, on the other hand, the state or the city boss is of humble origin and is the product of evolution through successive stages. From a mere "worker" at the polls or primary, with influence limited to a narrow circle of neighbors, he becomes the lieutenant or "heeler" of some election district or precinct leader. In time he himself becomes leader in his election district; then he becomes ward or legislative district boss or leader. The final stage of his development is reached when the ward or legislative district leaders, nominally of equal rank, find one of their number who commands their obedience by his strength of will, his cleverness, his audacity, and his luck. "By tacit agreement every one wheels into line behind this man, recognizing him as the supreme chief, and we have the city boss, at the head of the city machine." An analogous process of selection brings to the front the state boss, at the head of the state machine. The nearest approach to a national boss is found in the political career of the late Senator Hanna.

Evolution of the Boss.

The one supreme quality needed in a political leader who aspires to become a boss is skill in handling men. He becomes boss who shows the most energy, resourcefulness, and tact in managing those leaders who in turn know how to manage or influence the masses of the voters. He is constantly, at every stage in his career, studying the men about him and their weak points, and by trading upon the latter he tries to secure as large a following as possible. Other personal qualities, such as personal magnetism, generosity, and geniality coupled with a certain degree of reserve are, of course, important factors in his success.

Qualities Which Contribute to His Success.

In the lower city wards the boss is often, if not generally, a man of grossly immoral public or private life. On the other

Low Political Standards.

hand, city and state bosses are often men with at least a veneering of culture and refinement, whose private life is blameless, however low may be their standards of political morality.[1] Generally speaking, however, the qualities which tend to make a man a successful boss under present conditions are not apt to be of the kind that make him serve the public honestly or disinterestedly. However impeccable his private life may be, his conscience and political principles rarely influence his political conduct. Indeed it has been said that the boss "has no political principles himself; he is not concerned with principles save as a pirate is concerned with flags; and, like the pirate, he sails under that flag which best subserves his purpose at the time. . . . He is not in politics for principles . . . he is in politics for business. He wants something to sell; something for which, in certain quarters, there is a demand; something for which a certain few will pay high—that is, privileges. . . ." [2]

[1] T. Roosevelt, *Century*, XXXIII, 74 (1886).

[2] B. Whitlock, Nat. Mun. League *Proceedings*, XIII, 199 (1907). The following paragraph appeared some years ago in a sketch of the career of a notorious Brooklyn boss of the late eighties and early nineties, John Y. McKane:

"About the time McKane married, and that was soon after his coming of age, he made his first entrance into politics by running for constable of the town of Gravesend. He was elected, and from that time on he seems to have led a double life. In the little church which his father helped to found he continued to be a worshipper and an officer; and no member of the congregation was so liberal as he when the plate was passed or a subscription had to be headed. Why, at the very time when I knew his political associates to be of the lowest kind, and that he was planning with them to make the ballot-box a sham and a delusion, I have seen him leading in prayer-meeting, and exhorting sinners to righteousness with an energy of manner that there was no need to assume, and which, if assumed, simply made him the most perfect actor I ever saw on or off the stage. But, as I said, this was one phase of the man's dual life. From early childhood the fervor of Methodist worship, if not the tenets of the church, attracted his strong, demonstrative nature. And then there is, I think, something in the fact that at the prayer-meeting, as in the political caucus, he liked to lead, he wanted to be boss, and he was boss. The Sunday-school of which he was superintendent was to him a sort of religious primary, and while he was no doubt eager to save the soul of every boy present, the possibility of that boy's shortly becoming a voter did not lessen his interest."

The more powerful bosses seldom come before the public as candidates for elective office. The state boss has usually preferred the office of United States senator because formerly his election was by the legislature, in connection with which there was abundant opportunity for intrigue, and in intrigue every successful boss is an adept. Then, too, there is considerable patronage still connected with the office of senator, notwithstanding the civil service reform movement. Often, however, the state as well as the city boss is content to remain in the background, holding no office, or else some obscure appointive one. but wielding none the less an enormous power.[1]

Senatorial Bosses.

It is important to distinguish between bosses and real political *leaders*. Bosses, as a rule, disclaim any such title; they prefer to call themselves "leaders," but there is an important distinction. A true political leader leads by moulding and guiding the popular intelligence by the sympathy of common convictions, by resistless argument and burning appeal. As ex-President Roosevelt trenchantly put it: "The difference between a boss and a leader is that a leader leads and a boss drives. The difference is that a leader holds his place by firing the conscience and appealing to the reason of his followers and that a boss holds his place by corrupt and underhand manipulation. The difference is that the leader works in the light of day while the boss derives the greater part of his power from deeds done under cover of darkness." [2] A leader tries to keep every one in line, but he never punishes independence; unlike a boss, a leader does not treat the party as a personal perquisite, existing for his own advancement, nor the offices as his own personal baggage, nor the party workers as his henchmen.

Distinction Between Bosses and *Leaders*.

Personal qualities thus being primarily responsible for the rise of the successful boss, other factors assist in perpetuating his power. Among these factors should be noted his *control of cam-*

[1] Charles F. Murphy, head of Tammany, held only the position of district leader in the Democratic organization in the twelfth assembly district.

[2] At the New York Republican state convention, September, 1910.

paign funds. Every boss sees to it that all campaign funds for use among his constituents pass through his hands or those of his direct representative. The head of Tammany for example, knows, and draws freely upon, all the possible sources for campaign funds with which to perpetuate the power of the Tammany machine, distributing these as he deems wisest for the good of the machine and especially the advancement of his own personal supremacy. When especially hard pressed, a boss will blackmail business corporations or financial institutions for additional funds.[1] For the money which he handles the boss is never held to strict accountability. So long as the machine triumphs and his lieutenants receive a satisfactory share of the spoils of victory, he may lay up as large a private fortune as circumstances seem to warrant.

The Boss Controls Campaign Funds.

Some bosses, especially ward or district bosses in large cities, become the dispensers of charity on a large scale. The money by which all this charity is made possible may have been obtained by blackmailing corporations, or as a bribe, or collected from disreputable resorts. The social service thus rendered is, of course, in no small degree prompted by mercenary motives. Nevertheless, when the boss is "kind to the poor" his grateful constituents can almost always be relied upon to repay him with their votes on primary and election days.

The Boss Dispenses Charity.

Having thus outlined the principal conditions which have produced the political machine and the political boss, we may consider the two in joint operation.

(1) The boss and the machine hold the keys to most of our leading offices through their control of nominations and ability to carry elections. When the machine is dominant, any one wishing, for example, to become a municipal councilman or a member of the state legislature must come to terms with the machine, "see" the boss, and obtain his approval before he can secure

Practical *Operations* of the Boss and Machine: In Elections.

[1] Ostrogorski, II, 409. See also F. R. Kent, *The Great Game of Politics* (1923), Ch. XXII, "Where the Boss Really Gets His Money."

what is called a "regular" nomination. Having succeeded in transforming elections into an industry and being able to deliver its product on the most favorable terms, the machine takes orders and contracts for the carrying of elections, thus saving candidates the trouble and expense of courting popular support with their own resources alone.[1]

(2) But the control of the boss and the machine does not stop with the nomination and election of candidates receiving the hall-mark of their approval. Theoretically, the public administrative officers of the local and state governments are responsible to the people for the good government of the state or locality. Their actual power, however, is smaller than their official authority. Often they are almost completely controlled by the machine which secured their election or appointment. In states or cities subject to machine rule, practically every official must put all his personal and official influence at its disposal. "The executive and, in general, the officials who are at the head of a department are the first prey of the machine, for they dispose of what the machine wants above all things—the subordinate offices in the public administration with which it pays its henchmen and its workers. The department chiefs make over to it the patronage which is intrusted to them by law. The municipal machine claims it from the mayor; the state machine claims it from the governor; the state boss extorts the nominations to the federal places of his state from the president of the United States." [2] It is not the patronage alone that administrative officers place at the disposal of the machine; in the performance of a wide range of discretionary acts they are also called upon to obey its behests. The leader or leaders of the machine are therefore the real rulers of the community, even though they occupy no offices and cannot be held in any way publicly responsible.[3]

In Administration.

[1] Ostrogorski, *Democracy and the Party System*, 245.

[2] *Ibid.*, 246.

[3] ". . . The boss is not an excrescence nor an unlimited monarch; he is the natural product of a government of laws devoid of human watchfulness. He is the head of a feudal system, bestowing fiefs (that is, the fourth ward) on his nobles, who in their turn muster, tax, and tyrannize over their re-

(3) Even the deliberative functions of the state legislature in not a few states have absolutely ceased to exist *for many purposes*. The legislature registers as automatically the will of the boss and the machine and as little the results of its own deliberations as does the electoral college in the election of the president. "The form of a legislature survives, but the substance and the spirit have vanished. . . . The legislative power . . . is exercised by one man or a small, self-constituted group through dummies who are still in name representatives of the people." [1] Sometimes this is because the machine "owns" a certain number of members of the legislature whose election expenses it has paid. These tools of the machine form a nucleus which is quickly enlarged by intimidation and corruption brought to bear on the independent members. Anti-machine or "independent" members are

In Legislative Bodies.

tainers. . . . The truth is that the boss is the one conspicuous man who has made a success in American government; he is the discoverer of governmental efficiency, and otherwise could not be a boss. By his edict he makes laws, unmakes them, and circumvents them. All that the reformers and party leaders need for complete success is to tame the boss, teach him to draw their chariot and to roar an accompaniment to their campaign songs." A. B. Hart, *Am. Pol. Sci. Rev.*, VII, 13 (1913).

[1] For an admirable picture in fiction of a boss-ridden legislature, see Winston Churchill's novel *Coniston*. For many years the state boss of Rhode Island occupied an office in the state capitol during sessions of the legislature. In Missouri at one time the boss used to sit behind a curtain back of the speaker's chair and from there send in his orders or amendments to bills.

"For some time Boies Penrose has ruled Pennsylvania as absolutely as the Sultan of Sulu ruled his distant domain and with about the same tender regard for the interests of his subjects. It is several generations since the people of Pennsylvania have known independence except as a Fourth of July tradition. Governor-Elect Brumbaugh has made the amazing discovery that the rights and privileges of citizenship in this Commonwealth are not the private perquisites of Penrose. Men who have known Harrisburg in recent decades have spoken of the members of the legislature as pawns, which is an insult to the pawn, because a pawn can take a bishop, a knight, or a castle, and can put a king in check; they have been puppets, automatically obedient to the will of the Sultan of Sulu. There have been periods when the legislature has had to mark time and the governor look sublime in enforced idleness until McNichol could discover the wish and will of his sovereign overlord in Washington." Editorial, Philadelphia *Public Ledger*, January 10, 1916.

brought to their knees by the fear of defeat for bills in which their constituents are particularly interested. The legislation which the machine demands or extorts from the legislature is varied. Sometimes it is the creation of new offices to be distributed among the politicians; at other times it is fiscal and other favors for the companies which are its financial backers, for example, the reduction of taxes on private corporations, the creation of private monopolies, etc.[1]

The Administration of Justice

(4) Even the administration of justice does not escape the baneful and corrupting influence of the machine, for the judiciary, being elective officers in most states, are, like the others, in need of being put upon the party slate in order to secure nomination and election. The police magistrates in the cities are especially the tools and henchmen of the machine. They help the machine to control the lower strata of the voters. Of the higher magistrates, the machine wields the most pernicious influence over the prosecuting officers by inducing them to dismiss or suspend prosecutions against their adherents. The higher judiciary discharge their duties with a fair degree of honor and impartiality so long as "politics" are not involved. But whenever the interests of the party and of the machine to which they owe their own election are at stake, it is not unnatural that they should be liable to be influenced by party considerations whenever the boss can make them atone for their independence. More than once a frown from him has been enough to terminate the most brilliant and most dignified judicial career.[2] Many bosses deem it wise, however, to leave the higher judiciary entirely outside their sphere of influence.[3]

[1] Ostrogorski, *op. cit.*, 247–248. Although a boss or machine *may* control absolutely all state legislation, he or the machine rarely attempts anything so ambitious. The machine knows "that to attempt to dictate to its followers on general legislation would only weaken its authority over them, and hence it confines its attention to the distribution of spoils, to laws that bear upon electoral machinery, and such bills as affect directly the persons from whom it draws its revenues." A. L. Lowell, Am. Hist. Assn. *Report* (1901), p. 349.

[2] Ostrogorski, *op. cit.*, 249.

[3] On the relations sometimes existing between big business, machines,

As a result of this more or less complete machine control of executive and legislative departments, there have been long periods when no truly free government has existed in New York, Pennsylvania, Delaware, Missouri, Illinois, and probably other states. New York, for example, has been ruled by a Hill, a Platt, an Odell, or a Murphy "with as complete indifference to public interests, popular convictions, and the desires of the voters of the state as if these irresponsible rulers held their places by divine right or by military authority." The same has been true of other states. The people have allowed their policies to be determined by a group of men who were sometimes not even in public life, held no official positions, were paid no salaries, clothed by no authority, elected by no exercise of the suffrage. Measures of the highest importance have been decided upon in secret conclave, pushed through the legislature practically without discussion, under instructions to legislators who have been mere puppets responding to the strings that were pulled from behind. The business of the state has been transacted out of sight, on the back stairs, in whispering-galleries, and the people of the state have been led like sheep, and like sheep they have paid the penalty. "Greater enemies this country has never had than men like Platt, Odell, Addicks, and Quay, who have transformed free government into autocracies, annulled the fundamental charters of the country, and made popular government an object of satire, if not of derision, throughout the world." [1]

Autocratic Character of Machine Rule.

(5) In many, especially in great industrial, states and in large cities there has existed at one time or another an alliance, "a virtual partnership," between the great public service corporations, such as the railroad, trolley, and gas companies, and the political leaders of both the Democratic and Republican party

Securing Favors for Special Interests.

and the courts, see a series of articles by C. P. Connolly, "Big Business and the Bench," *Everybody's*, XXVI, 147, 291, 459 (1912).

[1] *Outlook*, LXXXII, 67 (1906); see also Honorable Elihu Root's speech on boss rule and invisible government, before the New York constitutional convention, 1915, *Rev. of Rev.*, LII, 465 (1915).

organizations. Where such partnerships exist the bosses give the necessary orders to their henchmen, whereby the corporations in question receive from legislative bodies or public officials franchises and special privileges and advantages. In return the corporation managers grant certain favors to the party leaders or bosses. These favors assume different forms. Sometimes "retainers" in the form of direct money payments are given to the boss. At other times heavy contributions are made to the party campaign fund. On still other occasions opportunities are offered for safe and profitable business ventures. All favors are adjusted to the moral standards of the particular boss or leaders. The corporations recoup themselves from the public in excessive rates, exemptions from taxation, or in other ways. Where such a partnership exists, it is always understood and expected that candidates will be nominated by the bosses in both parties who can be trusted to do nothing, if elected, to interfere with these privileges, when granted, and who will help to grant new ones when needed.[1] Many of the fierce factional fights that go on within party organizations are over the tremendous prizes of the nature described above awaiting exploitation by those who succeed in gaining control of the machine and, through it, of the officials in whom is vested the power to award these prizes.[2]

(6) Every machine makes great exertions to secure the friendship of those who, through their business or position, can serve as recruiting sergeants. For this purpose it makes friends in the trade-unions, in the factories and the work shops, and even descends to the lowest steps in the social ladder to get useful help; it gets hold of the keepers of lodging-houses, of gambling-houses, and of every kind of den frequented by the criminal or semi-criminal class. Before the day of national prohibition,

Enlisting the Support of Labor and of the Underworld.

[1] For instances of such a partnership in Denver, Colo., see Judge Ben B. Lindsey's "The Beast and the Jungle," *Everybody's*, XXI, 433 ff. (1909).

[2] For example, the bitter factional fight within the ranks of the Republican organization in Philadelphia in 1911 between the followers of the Vare brothers and those of Senator Penrose and State Senator McNichol which resulted in the election of Mayor Blankenburg, a reformer.

it used to get hold of the saloon-keepers by insuring them protection against the police and the law,[1] or by paying them directly. Since the co-operation of the latter was particularly appreciated, the machine very often took them into partnership and conferred on one of them the position of "captain" of the precinct.[2]

Against boss rule, or machine domination, in state and municipal politics, revolts break out almost periodically, attended with varying degrees of success and permanence. Usually several causes combine to produce these revolts, among which may be noted the increasing conviction that machine domination is essentially undemocratic, the quickening of the public conscience, the arrogance and disregard of public sentiment on the part of some boss or machine drunk with power; but more commonly disclosures of widely ramifying corruption and maladministration, often traceable to an alliance of big business interests with the bosses and machines. Out of the experience derived from these revolts have come the following *suggested remedies* for boss or machine rule:

Revolts Against Machine Rule.

(1) The initiative, referendum, and recall are reserved for fuller treatment elsewhere in this volume,[3] but they should at least be mentioned in this connection as among the most important of recent devices for reducing the influence of political machines both in legislation and administration. Mention should also be made of the direct primary, which can be utilized to weaken the machine control of nominations, though its efficacy in this direction can easily be overestimated; and also nomination by petitions signed by a few voters, which greatly reduces the expense of securing a nomination.

Remedies: Direct Legislation and the Recall.

(2) A reduction in the number of elective offices will remove

[1] For a good discussion of the sale of protection for violation of laws for the suppression of vice and gambling in New York City, see G. H. Putnam, "Conditions of Vice and Crime in New York and the Relation of These to the Police Force," *Nat. Mun. Rev.*, II, 408 ff. (1913).

[2] Ostrogorski, *op. cit.*, 239.

[3] Chapters XVII and XX.

one of the fundamental causes of the development of machines and bosses. With the success of the short ballot movement, the average voter will come to feel that he can exert a more intelligent and direct influence upon nominations and elections and will therefore feel an incentive to greater political activity. The work of selecting candidates and looking after their campaigns, which now renders the professional politicians almost indispensable, would be reduced to a minimum. This would not by any means entirely eliminate the machine or the boss. No doubt the machine would seek to name and thus to control the few remaining elective officers because of the increased patronage attaching to their offices; but it would be much easier for the public permanently to exert a decisive influence in the choice of officials than under present conditions.

The Short Ballot.

(3) More independent voting, manifested in a disposition to discriminate between good and bad nominations, would tend to weaken the machine. As explained above, the boss relies for much of his power upon slavish loyalty or party "regularity"—the practice of the great majority in voting a straight party ticket. "If we would have good crops in the field, we must scratch the weeds out. If we would have good men upon the ticket, we must 'scratch' bad men off." [1] This is, of course, only a corrective, not a radical, remedy.

Independent Voting.

(4) Much could also be accomplished in overthrowing machine control if municipal and state elections could be completely divorced from national elections and national issues. It seldom happens that national issues have any vital connection with state issues, still less with municipal issues. But bosses rely upon loyalty to the national party among the rank and file of the voters to carry state and municipal elections. To cover up the misdeeds of the state or city machine, the cry is raised that the success of the party in the approaching national election, or the existence of the tariff, will be endangered by the election of the candidates

Divorcing State and National Elections.

[1] G. W. Curtis, *op. cit.*, II, 158.

of the opposing party or of independent candidates. This campaign "dodge" has been employed so often in the past that intelligent voters are being deceived less and less by it.[1] This fact and the recent increase in independent voting furnish much encouragement to the anti-machine forces.

(5) The creation of a wider interest in politics, which will find expression in a greater participation by good citizens in the primaries and in work at the polls on election day, would also do much to lessen the hold of the machine upon local and state politics. "When good men sit at home, not knowing that there is anything to be done, not caring to know; cultivating a feeling that politics are tiresome and dirty and politicians vulgar bullies and bravoes; half persuaded that a republic is the contemptible rule of a mob, and secretly longing for a splendid and vigorous despotism—then remember it is not a government mastered by ignorance, *it is a government betrayed by intelligence;* it is not the victory of the slums, *it is the surrender of the schools;* it is not that bad men are brave but that good men are infidels and cowards." [2]

Increased Political Activity.

(6) The extension of civil service rules to federal appointments not already covered by the competitive system, as well as the enactment, followed by strict enforcement, of state, county, and municipal civil service laws, would be, perhaps, the most effective means available at present for undermining the power of the boss and the machine. "It is the command of millions of the public money spent in public administration; the control of the vast labyrinth of place, with its enormous emoluments; the system which

Extension of Civil Service Reform.

[1] This was very conspicuously resorted to by the Republican organization in Philadelphia in 1911 against the movement for reform in the municipal administration, but utterly failed to accomplish its purpose.

[2] G. W. Curtis, *op. cit.*, I, 269. ". . . Good city government is only won by hard and persistent work. The men who form the 'combine' are regulars. They are working for their living every day in the year, and they cannot be defeated by volunteers who enlist for a campaign of a few weeks preceding an election. The machine must be met by a well-organized force ready to do all the work which is needed. . . ." M. Storey, *Problems of To-Day*, 34–35.

makes the whole civil service the spoils of party victory. . . . It is upon this that the hierarchy of the machine is erected." [1]

(7) The divorce of big business interests from practical politics would be another damaging blow to the domination of the machine.[2] Stringent laws, properly enforced, regulating lobbying in legislative bodies, and laws requiring publicity of campaign contributions and the prohibition of campaign contributions by corporations,[3] have accomplished something in this direction. Nevertheless, this will long remain one of the most difficult and perplexing problems with which to deal successfully by legislation so long as the interests of the corporations and of political machines run parallel. Already, however, there is seen to be a growing divergence of these interests in many states, which is, indeed, a hopeful and encouraging sign.

Anti-lobbying and Publicity Laws.

(8) Finally, the creation of more efficient and well-endowed philanthropic organizations to take over and perform disinterestedly the varied forms of social service now rendered by the district or ward boss in our large cities, must not be omitted from this enumeration of possible remedies for boss rule in municipalities.[4] Until this is done it is clear that no permanent elimination of boss control in municipal politics can be expected. For the district or ward boss in our large cities is something more than a mere cog in the political machine. He is a social force. As such he constitutes one of the most formidable obstacles to municipal reform and one of the most subtle forces to be overcome in the struggle for good government. To many the term "ward boss" is synonymous with the lowest and most corrupt form of political leader. His low standards of political morality need be neither questioned nor defended. But there remains the fact that no permanent reform can be achieved

More Efficient Philanthropic Organizations.

[1] G. W. Curtis, *op. cit.*, II, 160.

[2] On the influence of the U. S. Steel Corporation in the municipal politics of western Pennsylvania, see J. A. Fitch, *The Steel Workers* (1910), 229–231.

[3] See Chapters XI and XX.

[4] See Jane Addams, *Democracy and Social Ethics*, Ch. VII.

until some efficient substitute is found for the important social service which he renders to his people, especially a boss of the type of the late "Little Tim" Sullivan in New York City.

The ability to place reform administrations in power, and, above all, the ability to keep them there, depends, fundamentally, upon the ability to control or command votes, and so to administer or to remodel, when necessary, the governmental machinery that it shall minister to genuine social needs. In the great cities it is the poorer, ignorant classes who, by reason of their solidarity and numerical voting strength, hold the balance of power. A reform administration cannot, under present conditions, hope to remain long in office unless it can gain the support of this large class of citizens. It is to them that the ward boss ministers in a very direct way, and ministers not spasmodically, but continually. He is able to do this because he lives in close touch with his people, understands them, knows their needs, and is able to obtain money in devious ways with which to assist them. They keep him in power because he is the embodiment of their ideal of goodness. When they have been in distress of any kind, he has succored them; when the rent has fallen due and eviction has stared them in the face, his hand alone has saved them; when they have been out of work, he has found them jobs; when sickness befell them, he has sent a physician to heal; when the abhorred pauper burial seemed inevitable, he has provided a respectable funeral. They know that in the scorching days of summer his beneficence has provided free excursions to the cool countryside; that his bounty insures each Thanksgiving and Christmas season the free distribution of turkeys and ducks, unmarred by any calculating limitations of one to a family; that when the hearth-fire has burned low in winter his charity has provided fuel and clothing.

Social Service Rendered Bosses.

His people know full well that all this care and watchfulness and generosity goes alike to Jew and Gentile, deserving and undeserving, Republican and Democrat.[1] His people are too

[1] See Beard's *Readings*, 581 ff., on "Charity in Tammany Politics."

simple-minded and grateful and generous themselves to look this gift-horse in the mouth and raise the cry of "tainted" money. It is neither surprising nor unnatural, therefore, when election day comes around, and the boss tells them he needs their help, that they repay him in the only coin they have, namely, their votes. To them the axiom that government exists for the welfare of the people is no meaningless abstraction, but a concrete reality written large in the deeds of their benefactor, incarnated in the personality of their boss. He is all the government that they know. In thus realizing this ideal of democratic government, the ward or district boss has thus far been vastly more successful than the ordinary reformer. To the latter politics is, more often than not, something apart from every-day life and crying human needs; it is an episode. The reformer's efforts are disproportionately directed to externalities, to improvements in the governmental machinery. So much energy is often devoted to keeping the machinery going that the fundamental purpose of government—the welfare, social and economic, of the plain people—is sometimes obscured, if not entirely lost to view. To the ward boss, on the other hand, government means more than the loaves and fishes, the spoils of office; it is more than a machine. It is a thing of flesh and blood, capable of ministering directly and vitally to exceedingly real social and economic needs of his people.[1] When municipal reformers are willing to humble themselves, lay aside their holier-than-thou spirit, and study the methods of the ward boss, learn to minister as he ministers, and then set themselves not merely to recasting the governmental machinery, but also to the creation of pure, efficient, and vital human institutions to do the philanthropic work which the ward bosses do, then, and not till then, it is to be feared, will permanent success be achieved. Until now the

Not Appreciated by Reformers.

[1] The rapid creation of public or social welfare departments in many cities in the past fifteen years is evidence of the increasing belief on the part of the general public that it is as much the duty of a city to concern itself with the special problems of human life and of community efficiency and betterment as to concern itself with police, fire, and health protection, with garbage and sewage disposal, or with education.

children of darkness have been wiser in their day and generation than the children of light, and the latter may well ponder the lessons to be drawn from careers of some of our famous ward or district bosses of the type of "Little Tim" Sullivan.

QUESTIONS AND TOPICS

1. Prepare an account of machine domination in recent years in each of the following cities: Minneapolis, Chicago, San Francisco, St. Louis, Denver, Pittsburgh, Philadelphia, Baltimore, Boston, and Albany, New York. (See Steffens.)

2. Report on the career and methods of one of the following state bosses: Aaron Burr, De Witt Clinton, Thurlow Reed, Roscoe Conkling, David B. Hill, Thomas C. Platt, Benjamin Odell, and William Barnes in New York; Simon and Don Cameron, M. S. Quay, and Boies Penrose in Pennsylvania; "Boss" Brayton in Rhode Island; and A. P. Gorman in Maryland.

3. The Tweed Ring: its methods and downfall.

4. What evidence is there in support of the statement that the methods and civic ideals of Tammany in the latter part of Murphy's leadership were superior to those of Croker?

5. The career and methods of William Barnes, Jr., in New York politics, and of George B. Cox in Ohio politics.

6. The methods of the Thompson-Lundin machine in Chicago politics, 1915–1923.

7. What important facts relating to boss and machine control in New York State politics were brought out in the Barnes-Roosevelt libel suit, 1915?

8. The organization, methods, and influence of the Ku Klux Klan as a political machine. In what states has it been most influential in politics?

9. The part played by municipal contracts in building up political machines in Philadelphia.

10. How have reform movements against machine rule been organized and conducted in various places? Why has each succeeded, or failed?

11. The career of Everett W. Colby and of Mark Fagan in New Jersey, and of Winston Churchill in New Hampshire politics.

12. The Philadelphia Gas Ring. (See Bryce.)

13. The relation of the police department in large cities to machine politics.

CHAPTER XVII

ENFORCING OFFICIAL RESPONSIBILITY. METHODS OF REMOVING PUBLIC OFFICIALS. THE RECALL

Public Officials Are Responsible to the People.

It is an axiom of democratic government that all government officials should be responsible to the people. Whether our government is democratic in reality or democratic only in name, whether our legislative bodies are representative or misrepresentative, depends upon the degree of responsibility which the people can impose upon those whom they have chosen to carry on the work of government, whether that work be legislative, administrative, or judicial. How to enforce the maximum degree of responsibility and thus retain effective control of our legislative, administrative, and judicial officers constitutes one of the most important problems in practical politics at the present time. In cities and states subject to machine rule it has come to pass that legislative and administrative officers and, in some instances, even the judiciary, are frequently compelled to place their personal and official influence at the disposal of the dominant machine or boss or of some powerful special interest. Increased knowledge of and dissatisfaction with such conditions have recently imparted new interest and intensity to the inquiry as to what means the people now possess, or what new means may be devised, which will render officials chosen to carry on the people's government more responsive to the will of the people and less subservient to the will of bosses and special interests. How, it is being asked over and over, can public officials best be made to realize that they must exercise the power of their respective offices, not for the advantage of any special interest or political machine nor for the benefit of a single class in the community, but in the interest of all the people? If a legislative, administrative, or judicial officer proves unfaithful, incompetent, or otherwise un-

worthy of public confidence, what is the best means of getting rid of him?

The Old Means of Enforcing Responsibility.

In seeking an answer to these questions, the public is seriously considering whether the old and time-honored means of enforcing a proper sense of official responsibility and of removing delinquent officials are adapted to the needs of the present; or whether these means should be abandoned and newer and comparatively untried devices substituted. Such are the basic considerations underlying most of the present agitation for and against the "recall" of elective officers.[1] In order to understand the origin and bearing of that agitation, it is necessary to review briefly the existing methods of bringing about the deposition of public officials before the expiration of the term for which they were chosen. This may now be accomplished in one of six ways:

Removal by Executive Action.

(1) In the case of appointive officers, the public may hold responsible the elected official who made the appointment, and may bring such pressure to bear that he will exercise his right of removal and substitute an official likely to prove more satisfactory to the public. Thus the president is held responsible for the character and official acts of the vast army of federal officers holding by appointment. He enjoys an extensive power of removal subject only to the comparatively few restrictions contained in acts of Congress and the civil service rules. The governors of the several states,

[1] Since the adoption of the recall provision in the Los Angeles charter of 1903, over thirty states "have either adopted new laws providing for the summary discharge of undutiful public officers or have strengthened their old laws by the passage of vigorous amendments, or have somehow facilitated the power of removal." The number and variety of offenses for which a public officer may be removed has been greatly increased and differentiated. Such offenses "now include dishonesty, corruption, habitual drunkenness, gambling, delinquency, unprofessional or disorderly conduct, habitual and wilful neglect of duty, incompetence, disability, financial irregularity, gross partiality, oppression, extortion, maladministration, conscious obstruction to the due course of the administration of public affairs, malpractice, malfeasance, nonfeasance, misfeasance, conviction of a felony or misdemeanor or any other cause deemed sufficient." C. Kettleborough, *Am. Pol. Sci. Rev.*, VIII, 622 (1914).

however, enjoy only a very limited power of removal. In some states this is limited to the removal of officers whom they themselves have appointed. In New York and some other states the governor is further handicapped by being obliged to obtain the approval of two-thirds of the senate; and more than once this requirement has enabled a hostile minority in that body to prevent a removal which, in the judgment of the governor, the good of the state demanded.

(2) Removal by impeachment is authorized by the federal and state constitutions. The Constitution of the United States provides that "the president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." [1] Whether or not senators and representatives are "civil officers" whose removal could be accomplished through the process of impeachment has never been definitely determined. It has never been invoked against a representative, and only once against a senator, and then the result was indecisive on this point.

Impeachment.

State constitutions provide in many instances for the impeachment of *any* civil officer, while in other cases only executive officers are liable to impeachment. State impeachment cases, however, have been about as rare as those of federal officials. Only ten governors have been impeached since 1789. Five of these cases occurred in the South during the Reconstruction period; one governor was then removed from office, one resigned to avoid removal, and the charges against the others were dropped. In the North, two governors were impeached about the same time, one being acquitted and the other convicted and removed from office for the embezzlement of state

[1] Article II, section 4. There have been nine federal impeachment cases, and only three of these have been successful; namely, the cases against Judge John Pickering (1803–04), Judge W. H. Humphreys (1862), and Judge R. W. Archbald (1912–13). The six unsuccessful cases were against Senator William Blount (1798–99), President Andrew Johnson (1868), Secretary Belknap (1876), and three judges, Samuel Chase (1804–05), James H. Peck (1830–31), and Charles Swayne (1904–05).

funds.[1] The only later instances are the impeachment of Governor Sulzer of New York in 1913, of Governor Ferguson of Texas in 1917, and of Governor Walton of Oklahoma in 1923, all of whom were removed from office.

Impeachment proceedings against federal officials are always commenced in the House of Representatives, and the Senate sits as the court to try the charges; for conviction, two-thirds of the senators must concur. Similarly in the case of state officials, impeachment proceedings are almost invariably begun in the lower house of the legislature and tried before the senate, a two-thirds vote of the latter being usually required for conviction and removal.[2] The causes justifying impeachment proceedings vary from state to state, but crime, misdemeanor, treason, bribery, drunkenness, malfeasance, gross immorality, extortion, neglect of duty, incompetency, and misconduct are those most commonly enumerated. South Carolina, however, assigns no cause, but leaves the matter entirely to the legislature.

(3) Provision is also made in several states for the indictment, trial by jury, and removal upon conviction, of certain elective officers who have been found guilty of grave derelictions of duty. In Oregon, for example, public officers may be tried for "incompetence, corruption, malfeasance, or delinquency in office" in the same manner as for criminal offenses, and upon conviction may be removed from office.[3]

(4) In most states judges may be removed before the end of their terms only by impeachment proceedings. The constitutions of twenty-one states, however, authorize removal either by the legislature or by the governor upon address of the legislature, after the English manner. No extraordinary majorities

[1] A. N. Holcombe, *State Government in the United States*, 342–343.

[2] In Nebraska, impeachment proceedings must be instituted by joint action of the two houses of the legislature, and the supreme court acts as the trial body, except when a judge of the supreme court is impeached; in that case, the tribunal consists of all the district court judges of the state. In New York the senate and the judges of the court of appeals constitute the impeachment court.

[3] G. H. Haynes, *Pol. Sci. Quar.*, XXVI, 35 (1911).

are required in such cases in Massachusetts[1] and Virginia, but in Washington and Illinois three-fourths of all the members elected to each house must concur, and in the other states the concurrence of two-thirds of each house is required. In New York the judges of the two highest courts, the court of appeals and the supreme court, may be removed by a two-thirds vote of all members elected to the legislature; the removal of all other judicial officers in courts of record requires the recommendation of the governor and the concurrence of two-thirds of the senate.

(5) In some states elective officials, such as prosecuting attorneys, sheriffs, minor judicial officers, certain township officers, and even mayors of cities, may be removed either by the judges of the higher courts or by action of the governor. In Ohio, for example, mayors of cities may be removed by the governor for misconduct in office, bribery, gross neglect of duty, gross immorality, or habitual drunkenness.[2]

(6) A few states have recently adopted the novel process of removal by means of a special election, commonly known as the "recall." This method has recently assumed such importance in political discussions as to deserve somewhat detailed consideration.[3] The recall made its first appearance in the United States in the municipal charter of Los Angeles in 1903. From there, in one form or another, it has been extended to cover state officers in eleven states: Oregon (1908), California, (1911), Colorado, Washington, Idaho,[4] Nevada and

The Recall.

Origin and Spread of the Recall.

[1] See L. A. Frothingham, "Removal of Judges by Legislative Address in Massachusetts," *Am. Pol. Sci. Rev.*, VIII, 216–221 (1914).

Seven states, Connecticut, Massachusetts, New Hampshire, New York, Maryland, Louisiana, and Illinois, permit the retirement of judges on account of age or physical infirmity.

[2] See W. H. Edwards, "Governor Donahey and the Ohio Mayors," *Nat. Mun. Rev.*, XIII, 350–356 (1924).

[3] The Socialist platform of 1916 indorsed the recall for the national, as well as state and local, officials.

[4] Actually, however, Idaho is without the recall inasmuch as the legislature has never passed the necessary legislation under the authority conferred by the constitutional amendment of 1912.

Arizona (1912), Michigan (1913), Louisiana and Kansas (1914), and North Dakota (1920). The recall has also been made a prominent feature of the commission form of municipal government even in states that do not have the recall for state and county officers. Elective officials are the ones to whom the recall is usually applied, although it has in some cases been extended to appointive officers. In favor of their recall it is argued that many such officers possess political power of as much importance as that possessed by many elective officers.

Recall Procedure.

The procedure in bringing about the removal of an official by means of the recall varies in different states, but there are two principal methods. (*a*) A petition for a new election must be filed with some specified officer. This petition must contain a statement of the charges against the official and a demand for his removal. The petition must be signed by a certain percentage of the voters qualified to vote for the officer whose removal is sought or for his successor, the number of signatures required varying in different states from ten per cent in Kansas to fifty-five per cent in the commission-governed cities of Illinois. The basis upon which this percentage is generally computed is the entire vote cast at the last preceding general election for all candidates for the office affected. If the petition is found to be drawn in conformity to the law, a date is set by the proper authority for the removal or "recall" election. This usually occurs thirty or forty days after the filing of the required petition. In addition to the statement of charges against the official in the recall petition, Oregon insures further publicity by providing for a reservation of space on the ballot used in the recall election for a statement by the petitioners in not more than two hundred words. The office-holder against whom the charges are brought may set forth his defense in a similar statement on the ballot.[1] Kansas requires that a petition for the recall of any officer shall be signed only by citizens who actually voted for the elec-

[1] In Oregon the legislature is authorized to provide some compensation to the office-holder for the expense of his campaign should he not be recalled. *American Year Book, 1912*, p. 66.

tion of the officer whose recall is sought or for the appointing officer where the removal of an appointive official is desired. "This plan was intended to recognize the principle that a public officer is responsible primarily to those whose confidence he presumably possessed at the outset of his term; and that proceedings for his removal from office are not to originate in the partisan schemes of his political opponents, but only in the course of duty by political friends." [1]

The officer whose removal is sought may avoid recall by resigning within a certain number of days after the filing of the petition, or he may be a candidate to succeed himself; and unless he requests otherwise, his name must be placed upon the ballot without formal nomination. Other candidates may also be nominated, and the recall election is conducted in practically the same manner as an ordinary election. The candidate receiving the highest number of votes at the recall election wins. If it be the incumbent, he remains in office; if a rival candidate, the incumbent is removed or "recalled," and his successor serves during the remainder of the term.

(*b*) In California, Colorado, Mississippi, Missouri, and Ohio a slightly different procedure obtains. The name of the office-holder does not appear in the list of candidates voted for, and there is a separate vote on the question of a recall. If the majority of those voting at the election vote for *the recall*, the officer is removed from office and the office goes to the candidate with the highest vote. A vote for a successor, however, is void unless the voter also votes affirmatively on the question of recall; and if the majority vote against recall, all votes for a successor are void.[2]

Arizona has also attempted to apply the recall to represen-

[1] *American Year Book, 1913*, p. 79.

[2] Candidates for the succession may be nominated by petition, by a special primary, or by designation of any appropriate party committee authorized by law. In some states a recall election may be preceded by a special primary at which two candidates are selected to compete for the office in question at the ensuing recall election. If the office-holder fails to be renominated at the primary he is thereby recalled. This is a method used exclusively in municipal elections. *Ibid.*, 65.

tatives and senators in Congress and to federal judges having jurisdiction within the state. Inasmuch as these officers hold office under the federal constitution and laws, they are not subject to direct recall under the state law; so an ingenious indirect or "advisory" recall has been adopted to cover them. In the case of a federal judge, the people may vote to *advise* his resignation and at the same time recommend to the president their choice for his successor. Whether this advice is followed depends, of course, wholly upon the judge and the president. Such a recall can be enforced by no legal process, but depends for its efficacy solely upon the force of public opinion. Against senators and representatives, on the other hand, the advisory recall is likely to be much more effective. Candidates for these offices are given an opportunity to pledge or not to pledge themselves to obey an advisory recall. Acceptance of the proffered pledge will, of course, enhance, and withholding it will prejudice, a candidate's chances of nomination and election.[1]

The "Advisory" Recall in Arizona.

There are certain checks connected with the recall which tend to lessen the likelihood of too frequent resort to it. It is usually provided that no petition for removal may be filed until the official has been in office for a stated period. A second recall election cannot be ordered during the term for which the officer was elected. This restriction is modified in Oregon by permitting a second recall election, but only on condition that the signers of the petition pay into the state treasury the entire expense of the first recall election. The expensiveness of the recall election both to the public and to the candidates is likely to prevent too frequent employment. Still another check is to be found in the liability to prosecution for libel in cases where untrue or defamatory charges have been preferred. When the offense has been a legislative act, the possibility, in some states, of invoking the referendum has diminished the demand for the recall. Finally, the good sense of the voters can be relied upon to serve as an important check.[2]

Checks Upon Use of the Recall.

[1] McLaughlin and Hart's *Cyclo. Am. Govt.*, III, 158–159.
[2] J. D. Barnett, *Am. Pol. Sci. Rev.*, VI, 41 (1912).

Some of the more important causes which have produced the recall are the alleged inadequacy of the other methods of removal for dealing with the enactment of pernicious legislation, the giving away of valuable franchises, and other forms of political jobbery by city councils and state legislatures, the non-administration and the bad administration of existing laws, and the not infrequent inattention, insolence, and even open defiance of public opinion by elected or appointive officers. The public has lost patience with the slowness and inadequacy of other methods of removal, and so the recall has been adopted as more effective and speedy in operation.

Causes Producing the Recall.

Among the other *advantages claimed for the recall* the following may be noted. Tenure of office is frankly placed on a political basis, at the mercy of political considerations. This very insecurity of tenure is, in fact, the chief element in the recall. "Public office subject to the recall becomes a public trust in a more practical sense than was true when the holder was able to cut loose from his constituents and go merrily on his way with the comforting thought that he would have to render an account of his stewardship only after the lapse of a specified period."[1] It is further claimed that the recall makes legislators far more responsive to the wishes of their constituents; that executive officers seek really to enforce the laws; that the people are made to feel that they are responsible for the men they choose to office, and to feel a greater interest in their own government.

Its *Advantages.*

Experience in the actual operation of the recall, especially in Oregon, has served to bring to light several serious defects or weaknesses of this method of making elective officers more directly responsible to the people. First, the reasons for the demand for a recall which are stated in the petition have not always disclosed all the motives, nor always the chief motive, for the demand. It is possible for the recall to be used merely as an instrument of personal or factional spite. It may be impossible to determine that the recall of an official has been because of grounds asserted in the

Defects of the Recall.

[1] H. S. Gilbertson, *Annals*, XXXVIII, 833 (1911).

petition or on other grounds not stated therein.[1] In the second place, the official whose recall is sought is not given a fair chance before the people. For, in the campaign preceding the recall election, he is required not only to defend his own record as an official, but to overcome the personal popularity of rival candidates with no record to defend. Thus the recall does not present to the voters the clearly defined issue whether the official has faithfully performed the duties of his office, which ought to be the sole issue at such an election. This defect may be obviated in different ways: by adopting the plan of requiring voters to vote on the question of the recall apart from the vote for a successor, although on the same ballot;[2] by having two separate elections, one to decide upon the recall or retention of the official, and the second, in case he is recalled, for the choice of a successor; and by having the successor of the recalled officer appointed, instead of elected, for the unexpired term. Thirdly, officials, it is alleged, have at times been guilty not only of "sins of commission" but also of "sins of omission"; this has been due to fear of a possible recall if, for example, they fully enforced the tax-assessment law.

In some places it has also been objected that the number of signatures required for recall petitions is so low as to make it too easy to bring about a recall election. At other times the methods employed to obtain signatures to these petitions have been criticised. Paid circulators are often employed at so much a name, while at other times volunteers do this sort of work. In the opinion of some people the zeal of both classes of solicitors often exceeds their discretion, as when petitions are circulated at mass-meetings, at revival meetings, or at street corners. To avoid these practices, some recall laws require that copies of the petition shall be deposited at certain places in the city, as at the city hall, and that the people who wish to sign the petition must go to one of these places. The feeling back of such a requirement is that "The only possible excuse for the recall is

[1] J. D. Barnett, *op. cit.*

[2] As in the method employed in California and several other states, outlined above.

that it should be spontaneous and that each signer should be sufficiently interested to go to some public office and sign the petition—not wait to have it shoved in his hand with a 'sign here' from a five-cents-a-name getter." [1]

Finally, the application of the recall to short-term officers is regarded by some as an important defect. For it is the short-term official whose acts are most intimately known by the people. His removal may be accomplished by refusal to re-elect at the expiration of his term, without the interference with the performance of his official duties which is inseparable from a recall campaign. The chief value of the recall appears to lie in its possible application to officers having terms exceeding two years in length.

In a few states the recall is applied to judges of the state and local courts. It is this application of the recall that has encountered the strongest opposition, because it is regarded by many as an unwarranted and dangerous attack upon the "independence of the judiciary." We have long been in the habit of regarding the judiciary as quite independent of popular control. This independence is generally regarded not only as in the highest degree desirable, but as absolutely essential for the fair and equal administration of justice between man and man and between the individual and the state. Consequently, any proposal like the recall, which undoubtedly would bring state and local judges[2] into more direct and immediate popular control, has aroused intense opposition, especially on the part of those who look upon the courts as the bulwark of the property interests.

The Judicial Recall.

When, however, we come to examine the methods by which the judges are selected in the several states, we find that this judicial independence exists more in theory than in reality. For in thirty-eight states the judges are chosen by popular election. In the other states they are appointed either by the governor and senate or by

The "Independence" of the Judiciary.

[1] J. D. Barnett, *op. cit.*

[2] It is rarely proposed to extend the recall to federal judges.

the legislature.[1] Moreover, the judges of the lower courts in the great majority of states are elected for short terms. Judges of the higher courts hold office for longer periods—usually varying from six to twelve years, although in a few states the terms are even longer. The shorter the term of the judge, the greater, obviously, is his lack of independence and the closer his theoretical dependence upon the people; in reality, however, his dependence is upon those in control of the nomination and election machinery. For when we say that in most states the judges are elected, we really mean that generally two judicial tickets, one a Democratic and the other a Republican, are presented to the voters by the political leaders, bosses, or machines; and the people simply choose between them. The result is to give us political judges who are dependent for their renomination and re-election upon the same forces that brought them forward in the first place.[2] The application of the recall to judges is, therefore, not intended to impair their independence, but to substitute for a dependence upon bosses, machines, and corporations a dependence upon the whole people, in whose interest and for whose welfare the judges are supposed to function.

Where the recall does not exist and the people desire to remove an unworthy judge before the expiration of his term, they are compelled to resort to formal impeachment proceed-

[1] In four states (Vermont, Rhode Island, Virginia, and South Carolina) the judges of the highest courts are chosen by the legislature; in six states (Maine, Massachusetts, New Hampshire, Connecticut, Delaware, and New Jersey) they are appointed by the governor, subject to the confirmation of the executive council, the senate, or the legislature.

Justices of the peace are usually chosen by popular vote; in about half a dozen states they are appointed by the governor. Cities often have special police magistrates, elected in most places, but appointed by the mayor in New York City for ten-year terms, and by the governor in a few other states. County judges are chosen by popular election in the great majority of states.

[2] *Outlook*, C, 524 (1912). For criticisms of the popular election of judges, see J. P. Hall, "The Selection, Tenure, and Retirement of Judges," *Jour. Amer. Judicature Society*, III, 37–52 (1919); L. Hand, "The Elective and Appointive Methods of Selecting Judges," Acad. Pol. Sci. *Proceedings*, III, 130–140 (1913); H. Harley, "Taking Judges Out of Politics," *Annals*, LXIV, 184–197 (1916); *ibid.*, "How Shall Judges Be Chosen?" *Jour. Amer. Judicature Society*, III, 75–90 (1919).

ings before the legislature, or to bring about removal by a joint resolution of the two houses of the legislature, or to prevail upon the governor and two-thirds of the senate to sanction removal, as in the case of the judges of inferior courts in New York. All of the foregoing methods of removal, and especially the process of impeachment, have, in the opinion of many people, proved unsatisfactory. Where the legislative body is the instrument by which removal must be accomplished, party considerations are likely to be paramount or to exercise an undue influence in the proceedings. Objection is also made to the slowness and delay incident to impeachment or removal proceedings. Furthermore, evidence sufficient to convince two-thirds of the body may be hard to get, the offense not grave enough to be a crime and yet serious enough to condemn a judge at the bar of intelligent public opinion. As Wendell Phillips said: "A man may be unfit to be a judge long before he is fit for the state prison." In actual practice, therefore, it has been found that impeachment and legislative removal do not work, and that unworthy judges stay on the bench because of the fact that these are the only remedies that can be used against them.

Other Methods of Removing Judges.

In its concrete application the adoption of the judicial recall means that when a specified number of voters in a community think that a judge of a state or local court has decided a particular case wrongly, or is in the habit of deciding cases wrongly, or goes on the bench in a state of intoxication, or permits a railway or other corporation attorney to finance his campaign; or if a judge becomes a known corruptionist, a political trickster, or dissolute in his habits, or is guilty of other discreditable conduct, then the community may determine at a special election whether he shall remain upon the bench or be removed and some one else chosen in his place.[1]

Concrete Application of the Judicial Recall.

[1] For instances of conduct unbecoming holders of high judicial office, see Commonwealth Club of California, *Transactions*, IX, 311–312 (1914), quoted in *Jour. Amer. Judicature Society*, III, 41 (1919); and C. P. Connolly, "Big Business and the Bench," *Everybody's*, XXVI, 147, 291, 459 (1912).

It should also be pointed out that in a considerable number of states non-judicial duties of an administrative nature have been imposed upon the judges of some of the inferior state courts, such as the designation of newspapers to handle county advertising, supervision of the election machinery, appointment of school boards, and, formerly, the licensing of saloons. Popular dissatisfaction has frequently arisen from the way in which these administrative functions were performed rather than from the performance of purely judicial duties.

Non-Judicial Duties.

The recall of judges is now permitted by the constitutions of seven states: Oregon, Arizona, California, Colorado, North Dakota, Kansas, and Nevada. When the territory of Arizona applied for admission to the Union (1910) her constitution permitted the recall of all elective officers, including judges. On this account President Taft vetoed the joint resolution providing for her admission as a state. Accordingly, the constitution was so amended as to except judges from the application of the recall, and with her constitution in that form Arizona was admitted into the Union. Having been admitted as a state, the people of Arizona legally could reinsert in their constitution, and in November, 1912, did reinsert, the provision applying the recall to judges.

States Having the Judicial Recall.

Those who favor the judicial recall assert that it is of fundamental importance that the judges enjoy the confidence of the people. If for any reason, justifiable or unjustifiable, the public loses confidence in a judge, his usefulness to do the people's work is sadly impaired, if not ended. The recall, it is claimed, would operate to permit the restoration of public confidence because, among other reasons, it would tend to emancipate them from the control of corporations, political machines, and bosses. It is the *suspicion* of partisan or corporate bias, more than its actual existence, which tends to undermine public confidence in the courts. Like Cæsar's wife, the courts should be above suspicion.

Arguments for the Judicial Recall.

On the other hand, those who oppose the judicial recall contend that it would rob, or tend to rob, the judge of his inde-

pendence, impelling him constantly in his official acts to court the favor of the people by consulting their hopes concerning litigation before him and conforming his judgments to the desires of the majority. "The character of judges would deteriorate to that of trimmers and time-servers. Self-respecting men would hesitate to accept judicial office with such a sword of Damocles hanging over them, and independent judicial action would become a thing of the past." [1]

Much of the favor with which the proposed recall of judges has been received is traceable to the wide-spread feeling that many of our judges are out of touch with actual social and economic conditions and with the movement toward a wider democracy. This is most conspicuously revealed in those numerous instances where judges have nullified the will of the people, as embodied in legislation, by declaring unconstitutional legislative acts designed to ameliorate social and economic conditions of large classes in the community. Furthermore, it is felt that in exercising their power to declare laws unconstitutional judges are performing not a purely judicial function, but one which is *essentially political*, and in so doing they become decisive factors in determining public policy. Many people, therefore, who would hesitate to apply the recall to a judge merely because of his decisions in ordinary cases, feel that some such device as the recall is needed to serve as a salutary check upon judges in the performance of this policy-determining function, at least in passing upon the constitutionality of legislation enacted under the state's police power.[2]

[1] President Taft s Arizona veto message.

[2] Convinced that the recall of judges was a remedy ill suited to such cases, ex-President Roosevelt, in 1912, advocated the "recall," or, better, the popular review, of judicial decisions; and the same year Colorado adopted a constitutional amendment embodying the Roosevelt suggestion. In 1921, however, the supreme court of that state held that the amendment was in conflict with the national constitution and therefore invalid. This decision is briefly summarized in *Am. Pol. Sci. Rev.*, XV, 413–415 (1921). Previous editions of this text-book briefly discussed this so-called "recall of judicial decisions." For fuller discussions, see T. Roosevelt, "The Judges, the Lawyers, and the People," *Outlook*, CI, 1003–1007 (1912); W. D. Lewis, "A New Method of Constitutional Amendment," *Annals*, XLIII, 311–325

In the preceding pages an attempt has been made to set forth briefly the arguments most commonly advanced for and against the recall. Admitting that other means of getting rid of unsatisfactory or unworthy public officials are inadequate or otherwise faulty, does it follow that the recall is likely to prove at once fair, effective, and otherwise satisfactory as a substitute or alternative?

Criticism of the Recall.

The ideal method of terminating an official career is one which (*a*) operates expeditiously, (*b*) guarantees a fair hearing for the official, (*c*) provides for full presentation of the facts, (*d*) insures a fairly intelligent and impartial trial body, and (*e*) renders reasonably certain that the decision as to removal or retention shall be based upon relevant facts and not upon extraneous considerations. Does the recall measure up to this standard?

To arrive at a satisfactory answer to this question, it is first necessary to distinguish the different *kinds of duties* attached to various public offices, and also the different *kinds of charges* that experience has shown are likely to be preferred in recall petitions against the holders of such offices.

(1) Let us take, first, the class of officials whose duties are purely administrative, or ministerial—duties set down definitely in the state constitution or statutes, or in the city charter or ordinances. The secretary of state, the court clerks, sheriffs, treasurers, recorders of deeds, city clerks, are examples of officials whose duties are practically all minutely prescribed by law, and their performance involves little or no exercise of official judgment or discretion. Recall petitions against such officials are likely to charge either incompetence or improper performance of official duties. Under such circumstances a recall election campaign can hardly be said to be a method well calculated to bring out, fully and fairly, the facts which alone can furnish the basis for a fair judgment by the voters.

As Applied to Administrative Officials.

(1912); *ibid.*, "The Recall of Judicial Decisions," Acad. of Pol. Sci. *Proceedings*, III, 37–47 (1913); W. F. Dodd, "Social Legislation and the Courts," *Pol. Sci. Quar.*, XXVIII, 1–17 (1913).

(2) In quite a distinct class are officials who have duties of a highly specialized nature, requiring the application of scientific knowledge or technical skill, or both. Examples are afforded by insurance and banking commissioners, state engineer and surveyor, state geologist or statistician, the comptroller or auditor, the state superintendent of public instruction, prosecuting attorneys, tax assessors, and city managers. Supposing the recall of one of these officials is sought on the ground that he is incompetent, or is improperly discharging the duties of his office, a fair and just decision of that issue can be reached only by an impartial body, familiar with the standards by which the performance of the duties of that particular office ought to be judged or with the qualifications which an efficient incumbent ought to possess. Here again it may well be doubted whether the general body of the voters possess such standards of judgment; and even if they did, whether the heat and excitement incident to a recall campaign and election are likely to result in a popular verdict that is fair and just.

As Applied to Experts.

Judges should be included in this class of officials, for their work involves the application of highly technical rules of law to the decision of the cases coming before them. But how can a popular electorate intelligently and fairly determine whether a judge has or has not properly applied the rules of law in making his decisions or rulings? To this question there could be only one answer were it not for the fact that, as stated above, the work of the judiciary often goes beyond the mere application of established legal rules, and involves, in effect at least, the determination of public policy.

(3) A third class of officials comprises those who serve in a representative capacity, and accordingly are supposed to reflect. on broad questions of public policy, the political opinion of those who elected them. They assist either in formulating public opinion into law in legislative bodies or in determining public policy in the field of administration. This class includes, of course, members of state legislatures, city councils or commissions,

As Applied to "Representative" Officials.

many administrative boards, such as public utility or railway commissions, and such executive officers as the governor, attorney-general, mayor and corporation counsel; and also the higher judiciary when passing upon the constitutionality of laws passed under the state's police power. The recall can be made to function more satisfactorily and effectively in connection with this third official class than in the case of either of the preceding classes, because it presents to the voters a simple issue, and one upon which they are competent to pass judgment; namely, Has this officer fairly and truly represented or reflected our opinions in the part he has taken in determining public policy? It is only under such circumstances that the recall approaches the ideal method of enforcing a sense of responsibility on the part of public officials.

As Applied to Illegal or Criminal Acts.

But one other possible resort to the recall remains to be considered. Regardless of the nature of his public duties, an official's recall may be sought on the ground that he has acted illegally, or has been bribed, or has misappropriated public funds, or has been guilty of some other crime or quasi-criminal offense. Can it reasonably be claimed that a recall campaign and election afford a satisfactory and effective means of determining the issue of guilt or innocence which is thus presented to the electorate? Obviously, the mass of voters is in no position to hear the testimony of witnesses or other evidence in the case, weigh it properly, and then arrive at such verdict as the law and the evidence seem to warrant. The proper forum for trying all such issues is not the hustings but the courts of justice.[1]

Possibility of Longer Official Terms.

As a corrective for official misconduct or incompetence, therefore, the recall is likely to function satisfactorily only in a very restricted field; and it is perhaps unfortunate that its use has not been more definitely restricted by law. But even when thus circumscribed, perhaps after all, the chief value of the recall lies in the possibility which it holds out of lengthening the terms of many public

[1] For a more detailed discussion of these various aspects of the recall, see A. B. Hall, *Popular Government*, Ch. IX.

officers. Terms can safely be made longer when they can be brought to an end at any time by the recall. Lengthened terms would, of course, mean longer experience in office; and this would result in greater efficiency in administration, greater continuity in administrative policies, and consequently would lead to the elimination of much of the waste and inefficiency which are directly traceable to the frequent "labor turnover" in the public service.

Moderate Use of the Recall.

In spite of the fact that the recall is usually made available for the removal of all classes of elective officials, indiscriminately, it is somewhat surprising that, contrary to the predictions of its early opponents, the recall has been resorted to in comparatively few instances. No exact figures are available, but the most careful estimates place the number of recall elections since 1903 at not over a hundred and fifty, and the number of officials who have been removed in this manner probably does not exceed sixty or seventy. The great majority of recall elections have related to city officials. Nearly twenty years elapsed after the first appearance of the recall before it was used against any officer chosen by the voters of an entire state, and there have been only two instances of that kind. In 1921 the governor, attorney-general, and the commissioner of agriculture in North Dakota were recalled because of their connection with certain issues growing out of the Non-Partisan League movement. The other case occurred in Oregon in May, 1922, when two members of the state public utility commission were recalled; one of these commissioners had been elected by the entire state, the other from a district. In this case the recall resulted from popular dissatisfaction with certain rate increases which had been authorized by the commission.[1]

A similar moderate use has been made of the judicial recall. Resort to it seems to have been confined to Oregon and California. In the former state, there have been a few instances in which the attempt to recall a county judge has succeeded. In

[1] See J. D. Barnett, "Fighting Rate Increases by the Recall," *Nat. Mun. Rev.*, XI, 212–213 (1922).

these cases, however, with one exception, popular dissatisfaction was not based upon their work as judicial officers but upon the way in which they performed certain administrative duties required of judges of inferior courts in Oregon. The single exception occurred in the case of a district or circuit judge whose removal was sought on the ground that in a murder trial he so instructed the jury as to what constituted self-defense that a verdict of not guilty was rendered in a case which was generally believed to be one of wilful murder. The recall election, however, was never held because of the inability of the judge's critics to obtain the required number of signatures to the recall petition.[1] Two other instances of judicial recall occurred in 1913 and 1921, in San Francisco, where three police court judges were recalled because of their alleged laxity in administering the criminal laws in certain cases.[2] Nowhere, apparently, has even an attempt been made to recall a judge of one of the higher courts because of popular dissatisfaction with a decision involving any question of constitutional interpretation.

Instances of Judicial Recall.

QUESTIONS AND TOPICS

1. What method of removing officials is provided by the constitution or laws of your own state? Has it ever been resorted to, and, if so, how often and under what circumstances?
2. The impeachment of Andrew Johnson.
3. The other federal impeachment cases, including the Archbald case, 1912. (See Roger Foster's *Commentaries on the Constitution*, and general histories.)
4. The actual operation of the recall in each state where it is authorized. (See Barnett, Oberholtzer.)
5. Is the recall of elective officers consistent with a republican form of government? (See Fink, Gilbertson, and cases there cited.)
6. The recall feature of the Arizona constitution and President Taft's veto message. (See *Congressional Record*.)

[1] J. D. Barnett, *Operation of the Initiative, Referendum and Recall in Oregon* (1915), pt. 2.

[2] See *Literary Digest*, XLVI, 1048 (1913), "A Judge Ousted by Women's Votes"; P. Eliel, "Corrupt Judges Recalled in San Francisco," *Nat. Mun. Rev.*, X, 316–317 (1921).

7. An analysis of the congressional debate over the recall provision of the Arizona constitution in the first session of the 62d Congress (1911). (See *Congressional Record.*)

8. What are the arguments for and against the recall of judicial decisions as advocated by Mr. Roosevelt?

9. Known instances of improper relations existing between judges of courts and special interests. (See Connolly.)

10. Summarize legislation relating to removals from office enacted in the several states since 1903. (See Kettleborough.)

11. The operation of the recall in Los Angeles. (See Stetson.)

12. The recall of Mayor Gill in Seattle in 1913 and his re-election in 1914. (See *California Outlook*, Cotlett, Hendricks, *Outlook.*)

13. The recall of Judge C. L. Weller in San Francisco, 1013. (See *Literary Digest.*)

14. Proposed methods of taking judges out of politics. (See Harley.)

15. The debate in the New York constitutional convention of 1915 on the method of selecting judges.

16. The impeachment and removal of Governor Sulzer in New York in 1913.

17. Discussions in the Ohio constitutional convention of 1912 upon the recall and the recall of judicial decisions.

18. Bring together as many as you can of the arguments for and against popular election of judges.

19. Explain how so-called popular election of judges may become in reality an undesirable method of appointment.

20. How have the disadvantages of popular election of judges been reduced to a minimum in Wisconsin?

21. What is to be said for and against the planks in the La Follette platform of 1924 favoring the popular election of federal judges, and giving Congress power to overrule decisions of the United States Supreme Court?

22. Summarize the decision of the Colorado supreme court holding that the recall of judicial decisions was unconstitutional.

23. Report on the recent removal of Ohio mayors by Governor Donahey. (See Edwards.)

24. What is to be said in favor of giving the governor or the attorney-general of the state power to remove sheriffs, state's attorneys, and mayors?

25. Prepare a report on the attempt to bring about the impeachment of Attorney-General Daugherty in 1922.

26. What were the grounds upon which Governor Ferguson, of Texas, and Governor Walton, of Oklahoma, were impeached and removed in 1917 and 1923, respectively?

27. Prepare as complete a chronological list as you can of successful and unsuccessful recall elections, showing the grounds urged for the recall in each case.

28. The recall of judges in San Francisco in 1921. (See Eliel.)

29. Recalls, or attempted recalls, in St. Louis, Sioux City, Iowa, Charlotte, N. C., Wildwood, N. J., and Long Beach, Calif.

30. The recall of Governor Frazier and the other state officials in North Dakota in 1921.

31. The recall of the public utility commissioners in Oregon in 1922.

32. Instances of the recall of judges in Oregon. (See Barnett.)

33. The recall provision in the Boston charter of 1909, how it worked, and why it was repealed.

CHAPTER XVIII

PRACTICAL POLITICS IN LEGISLATIVE BODIES. CHARACTER AND QUALIFICATIONS OF MEMBERS. STRUCTURE AND ORGANIZATION. THE COMMITTEE SYSTEM. SPECIAL AND "RIPPER" LEGISLATION. METHODS OF PROCEDURE

THE ultimate aim of a political party is only partially attained when it secures control of the executive or administrative offices. Control of the legislative department is almost equally important. A party which controls the executive branch of the government, and has elected a majority of members in Congress, the state legislature, or municipal councils, is in a position to utilize to the utmost for party purposes the machinery of government. Practically the only checks upon a party in such a position consist of constitutional and statutory restrictions and respect for public opinion. The party may use its legislative power either to defeat or to carry out the popular will. It may enact legislation for the general welfare or it may legislate chiefly for the benefit of special interests. Most legislative bodies enact some legislation of each type. Subject to the limitations named, the party in power is practically unrestrained as to what it may legally do in the way of "practical" politics to strengthen its organization and to perpetuate its hold upon the government and the suffrages of the people. Of the way in which executive officials use their power for party purposes something has been said in the chapter on the spoils system.[1] In this chapter we shall review some of the forms which practical politics assume in the legislative sphere as revealed (1) in the character and qualifications of members, (2) in the structure and internal organization of legislative bodies, (3) in the character of legislation, and (4) in actual legislative procedure.

Restraints Upon the Dominant Party.

(1) For many years the general public has entertained a feel-

[1] Chapter XIV.

ing of distrust and even of contempt for legislative bodies, including Congress and municipal councils, but especially state legislatures. The convening of Congress or the state legislature is not hailed with joy, and a universal sigh of relief follows its adjournment. The utterance of the press, the opinions of publicists and scholars, and the sentiment of the street and market-place unite in criticism or denunciation.[1]

Popular Distrust of Legislative Bodies.

One of the principal causes of this general distrust is to be found in the character and lack of qualifications of the members of legislative bodies, including city councils. It is a well-established fact that the lower house of Congress, and more especially the state legislatures and municipal councils, contain comparatively few men of first-rate ability. The most influential politicians seldom become members of state legislatures or municipal councils, preferring to keep in the background and manipulate the inexperienced legislators as pawns in the chess-game of practical politics. The most inferior legislative bodies are found in those states which have received the greatest influx of immigrants, and in which the large cities have fallen most completely under the control of unscrupulous party managers.[2]

The Reasons: Personnel.

Timidity is one striking characteristic of state legislators and city councilmen, and seems all too common also among members of Congress. Few seem to think of having an opinion of their own upon really important subjects of legislation. There are times, however, when this lack of independence has produced good results, as, for example, when it has enabled a small minority of aggressive and independent reformers, backed by an aroused public opinion, to carry schemes of reform to which the majority would have been indifferent or

Timidity.

[1] S. P. Orth, *Atlantic Monthly*, XCIV, 723 (1904). This popular distrust of legislative bodies is strongly reflected in the numerous limitations upon state legislatures and municipal councils which are to be found in nearly all state constitutions and city charters. See Ogg and Ray, *Introduction to American Government* (1922), Ch. XXXVI, W. B. Munro, *Municipal Government and Administration* (1923), I, Ch. XVIII.

[2] Bryce, I, 546.

hostile if they had dared. But under ordinary circumstances the bosses and special interests are the ones to derive most profit from the timidity, ignorance, and inexperience of lawmakers. Much of this timidity, it should be said, is due to a conscious lack of experience and knowledge of legislative methods.

Indeed, probably the majority of members in most legislative bodies never had previous experience in lawmaking, and are therefore obliged to spend much of their time in an effort to master the intricate rules of procedure, or else to depend upon more experienced members or lobbyists to assist them in advancing measures in which they are especially interested. This ignorance of legislative methods often renders the best-intentioned and the best-principled member an easy victim of the wiles of skilled representatives of special interests, men well versed in all the intricacies of legislative rules, who take pains to make themselves useful, if not indispensable, to the inexperienced. Having accepted their assistance, a member soon finds himself indebted to them—an obligation of which they take advantage in due time.[1]

Inexperience.

Many a timid legislator also seriously impairs his usefulness and exposes himself to improper influences because he is too ready to sacrifice his own views of the *public* interest on many

[1] See P. S. Reinsch, *American Legislatures and Legislative Methods*, 295. Referring to the difficulty of mastering the rules of the national House of Representatives, the present-floor leader, Mr. Longworth, said in the course of the debate over proposed changes in the rules in 1924: ". . . I remember my own experience more than twenty years ago, when I first came to this House fresh from a service of three years in the Ohio legislature, during the last year of which I was the leader of my party on the floor of the Ohio senate. I believed, and believed seriously, that there was little I had to learn about parliamentary law, and it took me just about ten years to learn how little I knew about the rules of this House. Gentlemen, in the more than twenty years I have served in this House, I do not believe I could name twenty men whom I would class as parliamentarians of the first rank. The greatest of them all ruined his health by the study of the rules of the House and the preparation of that monumental work known as *Hind's Precedents*. . . . I mention this to illustrate the tremendous amount of experience and study necessary to thoroughly understand the rules of the House. . . ." *Congressional Record*, January 17, 1924, p. 1123.

important matters, or resort to or connive at corruption, in order to "get through" some measure desired by his local constituents. Or he may become over-anxious regarding the attitude which he should take on this or that measure because of the possible effect upon his own political fortunes. Such men, and they are far too numerous, can never do good work as long as they are worrying over their own future. The political boss or the representative of special interests is not slow to take advantage of such wavering and vacillation in ways which are more or less reprehensible.

Members "Owned" By Special Interests.

Then, again, there are men in nearly every legislative body who, while good men themselves, are virtually "owned" by outside parties, usually politicians in control of a machine in the district from which the member is elected; or else by some wealthy citizen who may not be in politics himself, but who is identified with big business interests seeking special legislative favors or protection, and who has paid in whole or in part the campaign expenses of the member. Not unmindful of the favors he has thus received, the member abandons his own convictions under more or less pressure and votes in accordance with the wishes of his "owner." [1]

Narrow Conception of Their Functions.

Another serious weakness in the character of legislators lies in their narrow conception of their functions. "The spirit of localism" completely rules them. A member of Congress, of the state legislature, or of the municipal council rarely feels that he is a member for the country, the state, or the city, chosen by a comparatively small district but bound to think first of the general welfare of the nation, state, or city; he is a member for New York, or for the seventh assembly district, or for the third ward, as the case may be. He feels that his first and main duty is to get the most he can for his constituency in the way of appropriations from the federal, state, or city treasury, or legislation which specially favors his locality. No appeal to the general interest would have weight with him against the interests of

[1] Theodore Roosevelt, *Century*, XXIX, 824 (1885).

that spot. What is more, he is deemed by his colleagues of the same party to be the sole exponent of the wishes of his locality and solely entitled to handle its affairs. If he approves a bill which affects the place and nothing but the place, that is conclusive; nobody else has any business to interfere. This rule is the more readily accepted because its application all round serves the private interest of every member alike. Members of more enlarged views, who ought to champion the interests of the country or the state or the city, and sound principles of legislation, are rare.[1]

In addition to these defects in the character of lawmakers and their lack of legislative experience, it should be noted that their previous training and experience have seldom fitted them to frame laws in proper technical form or to pass intelligently upon the wisdom and desirability of proposed legislation. Economists, sociologists, political scientists, engineers, large manufacturers, wholesale and retail merchants, railway officials, financiers, trade-union officials—men who by reason of their studies, training, or experience in practical affairs might bring to the task of lawmaking superior knowledge, wide experience in business, and ripened judgment—are conspicuous by their absence. Lawyers usually predominate in state legislatures and in Congress, and there is a widely held, though greatly exaggerated, notion that they are peculiarly well fitted to become legislators,[2] and of course it has to be admitted that, as a class, they come nearest to being quali-

Lack of Proper Qualifications.

[1] Bryce, I, 549.

[2] ". . . Observation of lawmaking bodies in many countries leads to the conclusion that lawyers make a most unsatisfactory type of legislators. It is not that they lack intelligence, but that the whole course of their professional training and practice tends to unfit them to play an important part in constructive enterprises of any kind. Throughout his career a lawyer is occupied, not with the reality of things, but with the appearance they may be made to bear in legal argument; not with the consequences which flow from an action, but with the legitimacy of its origin. He is always concerned with the past as a source of precedent rather than with the future as a field for achievement. Pending legislation is often to the lawyer something which will later be discussed and interpreted by lawyers, instead of an instrument designed to effect a definite practical aim." J. H. Hammond and J. W. Jenks, *Great American Issues* (1921), p. 32.

fied to draft legislative measures in proper technical form. Unfortunately, however, the lawyers who are commonly found in legislative bodies are seldom those of long experience or those who rank high in their profession. Indeed, in some states where constitutional restrictions upon legislation are numerous, it may well be doubted whether more than one or two lawyers in the legislature would be able to draft an important public measure in such form that it would withstand attacks before the courts based on technical grounds.[1] After making due allowance for conspicuous exceptions which now and then appear, it can be said that our national, state, and municipal legislative bodies contain very few members who, at the beginning of their legislative careers, are peculiarly well-fitted in any important respect to become efficient, broad-minded, and wise lawmakers.[2]

Other defects in the character and qualifications of legislators might be enumerated, but it is sufficient to have pointed

[1] This lack of special qualifications on the technical side of lawmaking is not so serious as might be supposed, because comparatively few measures are drafted by the members themselves. The great majority of bills or ordinances are prepared by lawyers outside the legislative bodies or by official bill-drafting bureaus. See Chapter XX.

[2] The following occupations were represented in the Ohio legislature in 1919. House: lawyers (33), farmers (32), merchants (7), insurance (6), real estate (4), teachers (3), physicians (3), salesmen (3), manufacturers (3); senate: lawyers (7), farmers (4), merchants (1), insurance (2), real estate (2), teachers (2), newspapermen (4).

In the Illinois house in 1923 there were 45 lawyers, 18 farmers, 14 real-estate dealers, 12 merchants, 18 insurance, or real-estate and insurance, men, 6 clerks, 3 bankers, 2 contractors, 2 grain merchants, 2 publishers, 2 manufacturers; and each of the following occupations had one representative: automobiles, barber, broker, bonds and bonding, coal trade, clergy, deputy sheriff, director amusement company, deputy coroner, hotel proprietor, home-maker, insurance, oil and lumber, iron and steel, journalism, jeweller, lather, lumber, coal and grain, miner, musician and merchant, master painter, motor service, printer, physician and surgeon, retail lumber and manufacturing, "retired," teacher, teaming, undertaker, wholesale hay. The senate consisted of 22 attorneys, 5 farmers, 3 manufacturers, 2 accountants, 2 bankers, 2 druggists, 2 merchants, 2 real estate, and 1 auctioneer, cabinetmaker, clerk, contractor, journalist, insurance broker, miner, physician, salesman, and superintendent.

On occupations represented in Congress, see *Literary Digest*, LXIX, April 23, 1921, p. 36; *New Republic*, XXXIX, 269–271 (1924).

out the most important. On the whole, our legislative bodies are composed of "average men, possessed of human weaknesses, prejudices, and passions. They are usually elected by party machinery. They are pressed by corporation and party demands. The majority are as honest as they are simple and as efficient as they are wise." Even in states where jobbing and bribery, actual stealing from the state or municipality, and the general prostitution of the legislative power to private interests have been most rampant, the majority of members are not bad men, but are either the victims of their own ignorance and inexperience or are helpless in the presence of an all-powerful political machine. Indeed, "ignorance and stupidity in state legislatures cause more trouble than bad intentions, because they are more common and are the materials on which men of bad intentions play." [1]

In the character and qualifications of members of legislative bodies we have only a partial explanation of the present widespread distrust of legislatures. Further explanation is to be found in an examination of their structure and internal organization and the character and methods of legislation as well as in some of the factors or influences shaping legislation.

(2) Structurally, Congress and all the state legislatures are bicameral, or two-chambered, bodies; and the same is true of some municipal councils. However easily explained or strongly justified the establishment of a bicameral Congress and bicameral legislatures and city councils may have been in our early history, valid and convincing reasons for adhering to the bicameral system, except in the case of Congress, are not readily forthcoming. Indeed, for twenty-five years the two-chambered city council has everywhere been steadily giving way to a single-chambered body; and no city that has once discarded the dual system has ever gone back to it.[2]

The Bicameral System.

The relative merits of bicameral and unicameral legislatures

[1] See Bryce, I, 545–554.

[2] "Among the twelve largest cities of the United States, no one now maintains the dual system; among the smaller cities the proportion is almost negligible." W. B. Munro, *Municipal Government and Administration*

cannot be discussed here further than to point out very briefly that the bicameral system affords rich soil for the growth of certain unfortunate, but all too common, political practices. For example, bills are frequently passed in one house out of courtesy to one member or another, or solely for their political effect "back home," with the belief and expectation, if not definite assurance, that they will be "put to sleep" in the other house. With two sets of political leaders and two sets of committees handling legislation, the dual legislative system facilitates all sorts of shifty deals between the two houses; and when responsibility can thus readily be shifted from one house to the other, or from one group or committee to another—"passing the buck" as the expression goes—the public naturally finds it almost impossible definitely to locate and fix the responsibility for what passes or fails to pass. Friction between the two houses also regularly makes its appearance, and often results in more or less "prolonged deadlocks," especially when the two houses are controlled by different parties. Under such circumstances, measure is bartered for measure, and concessions are made between groups until perhaps a compromise is reached and the bill passes. Or the deadlock may continue unbroken to the end of the session. In the meantime many good bills are side-tracked, and the legislative calendars become so congested that deserving measures never come up for final action. Indeed, the delay incidental to the bicameral system—which is sometimes claimed as its greatest merit—is quite as effective in killing good bills as in defeating bad ones. It is a weapon quite as serviceable in the hands of unscrupulous legislators as in the hands of the most virtuous and conscientious.[1]

Facilitates Shifting of Responsibility.

(1923), I, 360. For a fuller discussion of the merits of unicameral and bicameral legislatures, see Ogg and Ray, *Introduction to American Government* (1922), Ch. XXXV.

[1] For further evidence showing the practical workings of the bicameral state legislature, see G. H. Hodges, "Distrust of State Legislatures," reprinted in J. T. Young, *The New American Government and Its Work* (1913), Appendix B, especially pp. 647–649; and D. L. Colvin, *The Bicameral Principle in the New York Legislature* (1913).

(3) In the internal organization of a legislature, also, practical politics often play an important, though not always a conspicuous, part. (*a*) In the first place, the federal Constitution and most state constitutions make each house of the legislature the sole judge of the qualifications and elections of its members. Where the right of any member to a seat is contested, the case and the evidence are considered by a standing committee of the body concerned, sometimes called the committee on privileges and elections. The majority of this committee usually belong to the party having a majority in the house. When this party has a very small majority the committee often disregards the merits of the case before it and recommends that the contestant belonging to the dominant party be seated. This, of course, tends to strengthen that party in the legislature, at least numerically. More than one such case has occurred in the history of Congress, and doubtless such cases are even more numerous in some of our state legislatures.[1]

Organization of Legislative Bodies. Contested Election Cases.

(*b*) Aside from their respective moderators, the officers of Congress and of state legislatures and city councils are not important. Nevertheless, the selection of these minor officials is honeycombed with politics, and has sometimes led to queer arrangements, by which one set of men do the work and divide the salary with another set who have the nominal appointments.[2] Creating an unnecessarily large number of doorkeepers, janitors, elevator-

Officers and Employees.

[1] In the past few years there have been at least four contested election cases before the lower house of Congress which were not decided until the term of that Congress had almost expired. Nevertheless, practically full salary was allowed both the successful contestant and the defeated party in each case. See *The Searchlight*, IV, 9–10 (May, 1919); V, 3 (December, 1920); V, 8–9 (March, 1921); and VII, 8 (December, 1922). For similar practices in Illinois, see F. S. Munro, *Legislative Spendthrifts*, (1916), pp. 43–47. To put an end to such delays, the House adopted a new rule in January, 1924, requiring the several committees on elections to make final report to the House in all contested election cases not later than six months from the first day of the session in which the contest was filed. *Congressional Record*, January 14, 1924, p. 938.

[2] A. B. Hart, *Actual Government*, 231.

men, clerks, and other assistants—commonly called "padding the pay-roll"—is another practice which, although by no means unknown to Congress, appears most commonly in state legislatures. In Kansas, for example, the average number of clerks per member of the lower house in 1919 was only 2, while the average for the senate, a much smaller body, was 13. In Missouri the same year the pay-rolls were padded even more flagrantly; the house, with 142 members, employed 295 helpers; while the senate, with only 34 members, had 460 employees on its pay-roll, an average of about 14 per member.[1]

(*c*) One of the first duties of a legislative body is to choose its presiding officer, if that officer has not been designated by the constitution. The federal and most state constitutions determine that the vice-president and the lieutenant-governor[2] shall be presiding officers of the United States Senate and the upper house of the state legislature, respectively, but there is opportunity for party considerations to appear in connection with the choice of the president pro tempore in each of those bodies. Party lines also appear to some extent in the election of presiding officers of municipal legislative bodies. In the lower house of Congress and of the state legislature the presiding officer is called the speaker. He

Presiding Officers.

[1] A table showing the number of legislative employees and the method of their selection may be found in A. E. Sheldon and M. Keegan's *Legislative Procedure in the Forty-Eight States*, Nebraska Legislative Reference Bureau Bulletin No. 3 (1914), pp. 18–19. On padded pay-rolls in the Illinois legislature, see Illinois Legislative Voters' League, *Assembly Bulletins*, October 18, 1915, May, 1916, and December, 1920; also F. S. Munro, *Legislative Spendthrifts* (1916), pp. 19–33. For conditions in the Pennsylvania legislature in 1913, see Philadelphia *Public Ledger*, January 16, 1913. On similar practices in Congress, about 1901, see W. D. Foulke, *Fighting the Spoilsmen* (1919), pp. 137–140.

[2] Thirteen states do not have a lieutenant-governor. See C. Kettleborough, "Powers of the Lieutenant-Governor," *Am. Pol. Sci. Rev.*, XI, 88–92 (1917). The lieutenant-governor is seldom a conspicuous figure in legislative politics, but in Rhode Island in 1923–24 a Democratic lieutenant-governor enabled a Democratic minority in the senate to maintain a prolonged deadlock and thus to block the programme of the Republican majority. The situation is described in editorials in the Springfield *Republican*, April 20, 1923, May 13, June 21, 1924. See also C. C. Hubbard, "Legislative War in Rhode Island," *Nat. Mun. Rev.*, XIII, 477–480 (1924).

wields such an enormous political power that political considerations appear very prominently in his selection and official conduct. The speaker's political influence arises mainly from three sources: from his power of "recognition," that is, his power to assign the floor to a member and thus enable him to get a hearing before the house; from his power of "reference," that is, the power to assign bills to the several committees for consideration before they are acted upon by the house; and from his power of "appointment," that is, the power to name the members on the different legislative committees which handle the great mass of bills introduced.[1]

Sources of the Speaker's Power.

The legislative or congressional speaker must be a man whom his party or its dominant "organization" can unreservedly trust, one who will not injure the future of the party or "organization" to gain personal popularity or aggrandizement. Seldom, too, will a speaker be found who uses his official influence to secure legislation which he individually favors if it runs counter to the plans of the party or "organization." It is expected that he will so exercise his great powers that at the end of his term the party in city, state, or nation will find itself stronger than at the beginning. To be most successful he must be tactful, quick of mind, a man of force and decision, and one who is thoroughly familiar with the rules and precedents of the body over which he presides. In states where the machine and boss dominate politics, the speaker is almost invariably a man thoroughly in sympathy with machine ideals and practices, or at least is believed so to be by the leaders when he is selected; and he expects to listen to and be guided by the wishes of the bosses or leaders of the "organization" on all important legislative matters.[2]

The Speaker.

In theory the presiding officers of legislative bodies are chosen by the majority of the members. In actual practice the selec-

[1] The speaker's influence upon legislation through the exercise of his power of recognition and reference will be taken up in the following chapter.

[2] Sometimes, though very rarely, a speaker has been deposed, as happened in the Pennsylvania legislature in 1921. See E. T. Paxton, "Feuds and Politics in Pennsylvania," *Nat. Mun. Rev.*, X, 366–368 (1921). In 1903

tion is made in the caucus of the majority party and ratified by vote in the whole house. In the caucus there may be rival candidates for the office, but the one who can secure a majority becomes the party nominee, and all party members are expected to vote for him; and so strict is party discipline in most legislative bodies that the friends of defeated aspirants for the speakership seldom vote against the caucus nominee. It is quite possible, therefore, for a speaker to be elected who represents the choice of only a minority of the entire house.

(*d*) Every legislative body is divided into a large number of permanent or standing committees, and a smaller number of select committees appointed from time to time for some special purpose; and practically all legislation passes through the hands of these committees.[1] Each committee is supposed to deal exclusively with bills relating to some specific subject or group of closely related subjects. Thus, for example, there are committees on banking, corporations, railways, ways and means, appropriations, etc. The committee system, as the practice of having bills first considered by committees is called, has very obvious *advantages*, and it is difficult to see how any better system can be devised for handling the enormous number of bills which are introduced into every session of practically every legislative body.[2] It is a convenient means of killing off worthless bills; it enables the legislature to deal with more bills than would otherwise be possible; it promotes specialization in legis-

The Committee System.

Merits.

the Illinois speaker was temporarily deposed under dramatic circumstances. See H. King, "The Reform Movement in Chicago," *Annals*, XXV, 242–247 (1905); E. B. Smith, "Street Railway Legislation in Illinois," *Atlantic Mo.*, XCIII, 109 (1904).

[1] A useful work on the committee system in Congress, although not up to date, is L. G. McConachie's *Congressional Committees* (1898); also P. S. Reinsch, *American Legislatures and Legislative Methods* (1907), Ch. V. For an illuminating discussion of recent changes in organization and procedure in the House of Representatives, see G. R. Brown, *The Leadership of Congress* (1923).

[2] It has been estimated that between 50,000 and 60,000 bills and resolutions were introduced in the forty-three state legislatures which met in 1923. In the 1st session of the 68th Congress (1923–24) a total of nearly 14,000 bills and resolutions were introduced.

lative work; it affords a plan by which Congress and other bodies can scrutinize the conduct of the executive departments of government; and it affords a means of co-operation between the executive and legislative departments.[1]

Committee Assignments.

Appointments to these committees are usually made by the speaker or other presiding officer, although in about a third of the states assignments are made by a committee on committees elected by the house. Whichever method is employed, the dominant party almost invariably has a majority, including the chairmanship,[2] of each committee.

In Congress.

For many years the committees in the national House of Representatives were all appointed by the speaker, and committee assignments in the Senate were made in the respective party caucuses, followed by formal election by the entire Senate. In 1910–11, however, the speaker was deprived of the right to make committee assignments,[3] and the power was vested in the committee on ways and means, acting as a committee on committees. The majority members on this committee were elected in the majority party caucus, and the minority members in the minority caucus. The other members of the House were assigned to their various committees by their respective party representatives on the committee on committees; the action of this committee then received the approval of the respective caucuses, and was afterward ratified by the entire House. In 1919 a further and highly important change was introduced by the Republican majority. The committee on committees was enlarged so as to include one member from

[1] J. A. Woodburn, *The American Republic*, 284; Bryce, I, 162 ff.

[2] A notable exception occurred in the United States Senate in 1924 when, after a prolonged deadlock, Senator Smith, of South Carolina, Democrat, was elected chairman of the committee on interstate commerce by a combination of Democrats and "radical" Republicans led by Senator La Follette.

[3] The story of this change is related by E. H. Abbott, "The Liberation of the House," *Outlook*, XCIV, 750–754 (1910); C. R. Atkinson and C. A. Beard, "The Syndication of the Speakership," *Pol. Sci. Quar.*, XXVI, 381–414 (1914), and C. R. Atkinson, *The Committee on Rules and the Overthrow of Speaker Cannon* (1911). See also the Democratic platform of 1908 on the power of the speaker in Congress.

every state having a Republican member in the House, which then increased the size of the committee to thirty-six. Furthermore, in making committee assignments, each member of this committee was permitted to cast as many votes as there were Republican representatives from his state, so that the various members had all the way from one to twenty-nine votes apiece.[1] The minority party, however, continued to make use of its representatives on the committee on ways and means; and the Senate still adheres to caucus action after a committee on committees has recommended assignments.

Importance of the Power to Appoint Committees.

Whoever—be it a speaker or a committee—is clothed with authority to appoint our legislative committees, including their chairmen, thereby becomes a factor of the first importance in legislative politics, both in determining the form and the fate of legislative measures (as will appear in the next chapter) and in making or marring legislative careers. So far as the latter are concerned, the power of appointment means, on the one hand, the power to help or reward, and, on the other, the power to hinder and punish; and this holds true no less of state legislatures and of city councils than of Congress, although it appears most conspicuously in the national House of Representatives. The explanation of course lies in the fact that some committees are very much more important and more influential than others, and membership thereon, especially the chairmanship, carries no small amount of local or national prestige and influence. The success or failure of a legislative or a congressional career very largely depends upon the sort of committees to which a member is assigned. The appointing power naturally rewards or helps the faithful, dependable, "regular" members with appointment to the "good" committees.

On the other hand, both Congress and state legislatures have many committees which are unimportant, if not useless, since they have little or nothing to do; some of them, in the case of Congress, have not even met for upward of thirty years. To

[1] For the circumstances surrounding the adoption of this change, see G. R. Brown, *The Leadership of Congress* (1923), pp. 188–196; and *The Searchlight*, IV, 3–6 (May, 1919).

ordinary citizens their retention seems absurd, and evidence of inefficient organization,[1] but in the eyes of the practical politicians who form the so-called House "organization" or "machine," they are not without value. A surprising number of members, for example, are flattered and easily "kept in line" by being accorded the dubious distinction of holding the chairmanship of one of these do-nothing committees. Back home, the people to whom the member writes on official committee stationery, with his name printed prominently at the top as "chairman," know nothing of the relative importance of legislative or congressional committees, and naturally infer that "our" representative is one of the "leaders" in Congress, or an "influential member" of the legislature,[2] as the case may be. In other cases, the appointing authority may punish any member who displays too much independence or manifests a disposition to deviate from the programme or policy mapped out by the leaders by consigning him to membership on the "committee on the disposition of useless papers," or some other committee equally inconspicuous and unimportant.[3]

[1] How the existence of such idle committees in Congress impressed a prominent business man representing a Boston district in 1918 is forcefully brought out in an open letter by Representative Alvan T. Fuller, addressed to the speaker of the House of Representatives, printed in *The Searchlight on Congress*, III, 1–5 (February–March, 1918); see also *ibid.*, III, 9–10 (April, 1918); IV, 12–15 (May, 1919).

[2] Certain perquisites also often attach to the chairmanship of even unimportant committees, and this form of "spoils" further explains the value of these committees in the eyes of the dominant leaders. For example, every committee may be entitled to a clerk, and the appointment is often left to the chairman. In the national House of Representatives, the chairmen of some of these idle committees have been known to employ the committee clerks, who of course have little or no committee work, to attend to their own personal political affairs, thus enabling the chairmen to pocket the entire cash allowance which every member has for a private secretary. In 1919 this practice was stopped, temporarily at least, by a resolution which did away with the direct cash allowance for secretaries and placed them upon the public pay-roll. See *The Searchlight on Congress*, I, 9–10 (November–December, 1916); II, 1–3 (June, 1917); IV, 14, 28–29 (May, 1919); IV, 10 (August, 1919).

[3] For more detailed criticism of the committees in Congress, see L. Haines, *Your Congress* (1915), pp. 100–103; *Searchlight on Congress*, II, 6–8 (March, 1917); III, 9–10 (April, 1918); IV, 12–15 (May, 1919); VII, 4 (May, 1923).

Between state and municipal legislative committees and the boss or leaders of the dominant machine very intimate relations often exist. The appointment of committees is often delayed for weeks, even months, in order to give the machine an opportunity to test its material before grouping it for actual legislative business. In some states the power of the machine to assign members to the different committees, exercised through a subservient speaker, gives it abundant means of enticement, so that many men mortgage their legislative independence at the very beginning of a legislative session in order to win a place on a prominent committee.

Much more might be written about the defects of the committee system from the standpoint of practical politics, but space permits only the briefest summary of the chief criticisms.

Defects.

The excessive number of committees has already been alluded to, and a closely related defect is the uneven assignment of legislative work to the various committees, half a dozen or fewer committees handling the great mass of legislation in many state legislatures.[1] In practical control of all these active and influential committees one is apt to find the same small group of experienced and influential members; and this "interlocking system," as it is sometimes called, helps to explain the ease with which the so-called "legislative machine" does its work.[2]

Large and unwieldy committees are often favored because, among other reasons, they almost necessarily lead to the creation of numerous subcommittees; and these, or certain of them,

Large Committees.

can be used more effectively to accomplish the purposes of a boss or machine.[3] In such cases most of the members of the committee are kept in the dark respecting the bills in which the chairman and the inner ring

[1] For further details, see Ogg and Ray, *Introduction to American Government* (1922), pp. 611–612; C. L. Smith, "The Committee System in State Legislatures," *Am. Pol. Sci. Rev.*, XII, 607–639 (1918).

[2] This defect in congressional organization has been remedied, in part at least, by recent changes in the Senate rules; see Ogg and Ray, *op. cit.*, 376.

[3] In Philadelphia for many years preceding the adoption of the present charter (1920) a subcommittee of the finance committee virtually con-

are especially interested; reports of subcommittees are considered very perfunctorily by the full committee; and when occasion requires, "snap" meetings[1] of the full committee will be called by the chairman to "railroad through" the desired action in the absence of members who might upset the plans of the ring.

Influence of *Chairmen.*

A fair inference from what has just been said is that committee chairmen possess extraordinary power, which may be, and often is, used as well for evil as for good. Oftentimes the chairman is the only one who can call a meeting of the committee; and if "practical" politics seem to require that the committee be prevented from meeting, he may refuse to call it together; or he may fix some inconvenient time when no quorum can be secured. If he is backed by the dominant "organization," there is practically no check whatever upon his action. He may declare measures passed by the committee and report them back to the house, although they have actually never received consideration or been approved by the committee. This is done when he has reason to believe that a majority of the committee are opposed to a measure which he or the bosses favor. On the other hand, an unwelcome measure, approved by a majority of the committee, may be carried about indefinitely by the chairman and possibly not reported at all to the house.[2]

trolled the proceedings of the city council. See "Subcommittee Government a Barrier to Reform," Philadelphia *Public Ledger*, August 17, 1913.

[1] That is, on insufficient notice to all the members. To check this practice, Massachusetts and a number of other states have laws or legislative rules which require sufficient notice to be given of the time and place of all committee meetings. See Chapter XX.

[2] A flagrant instance of this kind occurred in Congress in April, 1922, when the chairman of the House committee on rules refused to report a resolution of the committee, and the speaker and a majority of those voting sustained the chairman's right to exercise this sort of a "pocket-veto." See *The Searchlight*, VI, 6 (May, 1922). To prevent the recurrence of such incidents, the following amendment to the rules was adopted in January, 1924: "The committee on rules shall present to the House reports concerning rules, joint rules, and order of business within three legislative days of the time when ordered reported by the committee. . . ." *Congressional Record*, January 14, 1924, p. 938.

This possibility suggests a further defect in the committee system—the absence in most cases of sufficient control by legislatures and Congress over their various committees. Ordinarily, no effective means exists whereby committees can be compelled to report measures referred to them, and the legislature may thus be prevented from even considering a measure, no matter how deserving, whenever a committee fails to report it. The bill is then said to be "smothered." Some committees are purposely so made up at the beginning of a session as to insure the smothering of certain bills that will later be referred to them. Many a meritorious piece of legislation has thus fallen into the hands of legislative bandits and never been heard of thereafter. To insure still further its control, the Pennsylvania Republican machine maintained for many years a "judiciary special" committee in the state senate, consisting of a small group of the most seasoned and dependable members. If an obnoxious bill could not be disposed of otherwise, it would sooner or later find its way into the hands of this committee, where it would be interred beyond hope of resurrection.[1]

Insufficient Control Over Committees.

"Graveyard" Committees.

Some legislatures, notably Massachusetts, have rules which compel every committee to report within a stated period all bills that have been referred to it; the house itself is then in a position to make such final disposition as it sees fit; and this is where the responsibility should properly rest for failure to pass measures, rather than with irresponsible committees. But the rules in the great majority of legislatures are quite ineffective in compelling committees to report. Against this situation in the national House of Representatives a vigorous attack was made at the opening of the Sixty-Eighth Congress in December, 1923, which resulted, the following month, in the adoption of a new rule under which a motion to discharge a committee from the consideration of bills is given priority over all other questions on the first and

Remedies.

[1] In 1913 this committee, commonly called the "graveyard" or "pickling" committee, smothered 137 bills that had passed the lower house.

third Monday of each month, provided the motion is seconded by 150 members.[1]

The most serious defect in the committee system, in the opinion of some, is the secrecy—at any rate the lack of publicity—which surrounds committee proceedings. Few states require committees to publish notice of the time and place of their meetings, as they are obliged to do in Nebraska and Massachusetts; or to maintain public calendars of all committee meetings and hearings, as is done in Wisconsin; or to keep and publish minutes of all proceedings, or to open all sessions to the public. To be sure, public hearings are frequently granted on the more important bills, at which evidence is taken and arguments are presented for and against the measure under consideration; but ordinarily no record is kept of committee sessions and of how each member votes. Consequently it is difficult, if not impossible, to fix responsibility for what takes place in the committee room.[2] The public generally knows little or nothing of committee deliberations. In strict parliamentary practice, no member is permitted to allude in the house to anything which has taken place in committee. Largely owing to this secrecy legislative committees are subjected at times to tremendous pressure of private interests, so that the bills which they finally report to the house are often little more than the combined concessions to eager advocates who make their direct personal appeals to the committee concerned.[3] Abundant opportunity is offered

Lack of Publicity.

[1] See *The Searchlight on Congress*, VIII, 12–15 (December, 1923); L. Haines, *Your Congress* (1915), pp. 87 ff.; *Congressional Record*, January 14–18, 1924.

[2] This difficulty is increased by the large number of standing committees to be found in Congress and other legislative bodies. In the 67th Congress (1921–23) there were 60 standing committees in the House. In 1921 the Senate reduced the number of its committees from 74 to 34. In the Illinois legislature of 1923 there were 39 standing committees in the senate and 31 in the house. In 1917 in two-thirds of the state senates there were 20 or more committees, and in five states the number exceeded 40; in the lower houses almost half the states had 40 or more committees, while Kentucky and Michigan had 63 and 65, respectively.

[3] M. P. Follett, *The Speaker of the House of Representatives*, 244. No better example of such influence is to be found than in connection with tariff bills before Congress.

for underhand and corrupt influences to be brought to bear upon committeemen. "In the small committee the voice of each member is well worth securing, and may be secured with little danger of public scandal. . . . Round the committees buzz that swarm of professional agents called the 'lobby,' soliciting the members, threatening them with trouble in their constituencies, plying them with all sorts of inducements, treating them to dinners, drinks, and cigars." [1]

Legislative *Procedure.*

(4) The methods of procedure by which legislative business is transacted have also contributed to the general distrust of lawmaking bodies; and this is reflected in the more or less numerous restrictions upon legislative procedure found in state constitutions and municipal charters. The federal Constitution also contains a few clauses relating to congressional procedure. Such provisions are designed to secure regularity, publicity, and due deliberation in the discussion and enactment of measures. For example, it is often provided that laws must always be passed in the form of bills, and that each bill must cover only one subject clearly expressed in the title, in order to prevent the coupling of many vicious bills with a good one or to prevent the insertion of totally distinct matters; that former statutes may be amended only in such a way as to make clear the exact change that has been made in the law; that there must be three different readings of every measure passed; that no bills shall be introduced after a certain date, so as to prevent rushing through pernicious measures during the closing hours of the session.[2]

Constitutional Restrictions.

Every legislative body has a more or less elaborate body of printed rules which are supposed to govern all its proceedings. In practice, however, the rules of Congress and, even more frequently and glaringly, the rules of state legislatures are modified by the exigencies of party and machine politics to an extent that is surprising to the uninitiated. Even constitutional requirements are often treated with scant respect by state legislatures, so that

Rules Continually Disregarded or Evaded.

[1] See Bryce, I, Ch. XV; II, Ch. LXVII.

[2] Beard, 536.

at times parliamentary proceedings are turned into a mere formality, if not a travesty, on regular and orderly procedure.[1] In actual practice all rules are modified to accord with the peculiar methods and needs of the controlling organization. An artificial "common consent" is created by which all constitutional and legal safeguards against hasty or special legislation are evaded and become almost futile so long as the machine has power to command action.[2] For example, the reading of the journal is frequently dispensed with, and this document which authoritatively records the action of the legislative body is usually not printed till several days have elapsed. The calendar, which ought to be a safe guide to members, is made up arbitrarily and disregarded in practice. Measures are placed upon it, or taken off, or advanced over others at will by "general consent."[3] The time limit for the introduction of new bills is frequently evaded by offering substitutes in the form of amendments to bills introduced before the limitation expired, striking out all after the enacting clause. Members are found introducing sham bills in due season which they can use as stocks upon which to graft any bill they may desire after the time limit has expired.[4]

A large amount of time is wasted by nearly every legislative body in the early part of the session. As a result there is very frequently an unseemly crowding of measures in the last few days. Confusion at times reigns supreme,[5] and the ordinary member finds it impossible to follow the course of business. Here is an opportunity for a capable and unscrupulous speaker to rule the assembly with a high hand, declare motions or bills carried or lost, in accordance with the interests of the clique or machine to

The Final "Rush."

[1] See F. S. Munro, *Legislative Spendthrifts* (1916), and facts brought out in the so-called Fergus cases, for illustrations of such practices in the Illinois legislature of 1915.

[2] Reinsch, Ch. VIII.

[3] *Ibid.*, 259.

[4] See Bryce, I, Ch. XLV.

[5] For a description of the disorderly proceedings connected with the closing sessions of the Pennsylvania legislature in 1911, see *World's Work*, XXII, 14789 (1911).

which he may belong, and often in utter disregard of the actual facts, of parliamentary practice, of the rules of the house, and of constitutional restrictions. Many a bad measure and crudely drawn good measure is thus declared passed, or "gavelled through," in the last crowded days of a session.[1] Some of the worst measures are purposely held back until the final "jam" in the hope that they may then slip through without attracting attention. It is also customary in "machine-controlled" legislatures to hold back the general appropriation bills until the last day or two of the session, in order to keep members in line by the fear that, if they fail to support bills which the machine desires, they will see appropriations for hospitals, colleges, libraries, or highways in their districts either reduced or entirely cut out at the eleventh hour.

Conference Committees.

The congestion, rush, and confusion that ordinarily mark the closing week or two of a congressional or legislative session afford ample opportunity for conference committees to do some of their "fine" work. Conference committees, consisting of a few members from each house, are appointed to see if *differences* between the two houses over some bill which has passed each body, but not in identical form, can be so adjusted that in final form the bill will be acceptable to both. The legitimate work of conference committees, it should be noted, is to see if *differences* between the two houses can be ironed out, and that is the only proper function of such committees. Nevertheless, the secrecy which surrounds their operations, and the likelihood that whatever they report will "go through" without scrutiny in the last crowded hours, have at times emboldened them to usurp authority by inserting provisions which either had not been previously considered at all, or, if considered, had been stricken out by *both* houses,[2] and

[1] Reinsch, 259. In the closing session of the New York legislature in 1916 one hundred bills were passed between the hours of midnight and half past six in the morning, twelve bills going through at one stage of the proceedings in the space of two minutes! See *Municipal Research*, No. 72, p. 64, n. 2 (1916).

[2] A flagrant instance of this sort occurred in Congress in 1922 in connection with the potash and dyestuff embargo feature of the Fordney-McCum-

therefore, were not points of difference between them. Such dishonest and underhanded practices, of course, deserve unlimited condemnation.

The process of amendment is likewise frequently employed by the "organization" to defeat or to emasculate legislation backed by independent or reform elements in the legislature. For example, apparently innocent amendments will be added which, as the better-informed members are aware, will seriously impair the constitutionality of the measure when tested before the courts. Again, "good" laws, or laws designed to suppress crime and protected vice, may be loaded down with provisions too stringent to be capable of strict enforcement. Thus, while apparently supporting a "reform" measure, the corrupt politicians gain another pretext for levying additional tribute upon the vicious and criminal classes in return for immunity from prosecution. "When, therefore, the cry of 'good government' is raised by politicians of this class, the real friends of decency do well to be on their guard, for in most cases what the bosses desire will be the creation of what has been called an 'administrative lie'; that is, the placing on the statute-books of stringent laws against liquor and vice the very strictness of which is, however, made the means of extortion by the local political managers. It frequently happens that the influences representing lax morality gain important privileges from the legislature through acts the full bearing of which is not realized by the members in general." [1]

Pernicious Amendments.

But the amending process is not always used in so open and aboveboard a manner to defeat or impair legislation. If an

ber tariff bill. In this case, however, the House was apprised in time of what had occurred, and repudiated the unauthorized action of the conference committee. See "The Crimes of the Conference Committee," *The Searchlight*, VII, 16–19 (September, 1919); also, "Legislation by Conference Committees," *ibid.*, IV, 23–26 (June, 1919), and *Congressional Record*, 67th Congress, 2d session, pp. 12695 ff., 13557 ff., and 14035 ff. (1922).

[1] Reinsch, 273. For a good description of the way in which the committee system and legislative rules can be made to serve the interests of a political machine and to defeat measures supported by members outside of the "organization," see Reinsch, 260 *ff.*, Beard, 538, and M. C. Kelley's *Machine-Made Legislation in Pennsylvania* (1912).

unwelcome bill, despite all that the legislative machine can do, succeeds in passing both houses, there still remains one last hope for desperate and unscrupulous opponents. Under cover of the confusion and haste that surround the final enrolment or printing of bills, "jokers," or secret amendments, are sometimes slipped in, and are not discovered until the official compilation of the session laws is published some months later. When discovered such surreptitious amendments are apt to be explained as clerical or typographical "errors." Doubtless honest mistakes of that sort often occur, but, unfortunately, it too frequently happens that these "errors" so closely harmonize with what opponents of a bill desired all along, but could not obtain otherwise, as to justify the belief that members of the clerical or printing staff had been "induced" to "doctor" measures in this manner.[1]

Surreptitious Amendments.

(5) Finally, it should be said that the character of much legislation has been such as readily to justify popular lack of confidence in legislative bodies, especially the enactment of what is called private or *special legislation*, as distinguished from general. General laws are those which apply to all persons or certain classes of persons throughout the state or country. For example, laws regulating interstate commerce, providing for the administration of justice by the courts, regulating banking and the currency, regulating the conduct of primaries and elections throughout the state, laws compelling all manufacturers to maintain certain sanitary standards in their shops, are all classed as general or public laws. A special or local law, on the other hand, is "one applying to some particular person or corporation or locality, township, county, or city."[2] Corporations, notably, public utility companies, have

Character of Legislation.

Special Legislation.

[1] In 1915 it was reported that in the preceding Pennsylvania legislature (1913) some one inserted a secret amendment to the personal property tax law by which the city of Philadelphia lost about $600,000 in annual revenue. See Philadelphia *Public Ledger*, February 12, 1915. For instances of tampering with, or forgery in, the legislative records of Illinois in 1915, see F. S. Munro, *Legislative Spendthrifts* (1916), pp. 181–195.

[2] See *Cyclo. Amer. Govt.*, III, 64–65.

at one time or another sought the enactment of special laws or ordinances granting them perpetual, or long-term, franchises, or exempting them from the payment of certain taxes, or conveying to them other special privileges.

Congress, in passing private or special laws, is not restricted by any express constitutional prohibitions such as are commonly found in state constitutions, and every session sees an avalanche of such measures introduced, relating to pensions, claims against the government, timber and mineral lands, Indian claims, water-power rights, and, in earlier times, land grants in aid of various enterprises, especially highways, canals, and railroads.[1] But the worst forms of special legislation, from the standpoint of practical politics, have appeared in state legislatures. In almost every state, at one time or another, the enactment of special laws has been the occasion of gross legislative corruption. One of the principal means by which the political boss and machine have made their power felt has been in dealing out or withholding special privileges or advantages. The enactment of special legislation furnishes almost unlimited opportunity for perpetrating jobs and for inflicting injustice on individuals or localities, for the benefit of some group of speculators or politicians or some powerful corporate interests. The vast amount of special legislation is one of the scandals of the country and "a perennial fountain of corruption." Hence many state constitutions contain provisions designed to check this kind of legislative prostitution; nevertheless the amount of special legislation everywhere enacted is amazing.[2]

One kind of special legislation which is peculiarly attractive

[1] See T. M. Spaulding, "The Private Bill," *The Searchlight*, V, 24–26 (September, 1920).

[2] Bryce, I, 542; P. S. Reinsch, *op. cit.*, 147 *ff.* At the present time North Carolina probably furnishes the worst examples of practically unrestricted legislative freedom in enacting local or special laws. See C. L. Jones, *Statute Law-Making in the United States* (1912), 39–40.

In Illinois between 1862–70 "the private and special legislation evil grew to such proportions that practically the entire time of the General Assembly was devoted to the enactment of private and special laws, while measures of public interest were in many instances stifled, or passed without due deliberation." *Constitutional Conventions in Illinois* (1920), p. 21.

to the practical politician and especially pernicious in its effects is commonly called "ripper" legislation. This assumes a number of different forms. We have laws which modify municipal charters in such a way as materially to strengthen the power of the party which controls the state legislature. If a reform mayor, for example, has been chosen in a municipal election, the legislature may pass laws which strip him of his most important powers and vest those powers in old, or newly created, boards which the machine feels that it can control. In fact, municipal government is the favorite field for "ripper" legislation. By shifting administrative functions from state boards to municipal bodies, and *vice versa*, the loss of power by the organization in any locality can be neutralized and periods of strong local opposition successfully tided over.[1] This shifting of power is also useful to the practical politician in connection with the granting of franchises or other legislation desired by trolley and other public service corporations. In some states municipal ripper legislation has gone so far as to deprive large cities of "home rule" by legislating out of office the rightfully elected officials who are hostile to the machine and substituting for them officials appointed by a subservient governor.[2] But ripper legislation is by no means confined to municipalities. In the state governments the dominant machine has not infrequently transferred the appointing power from the executive to the legislature when it has feared the election of a hostile governor. At other times ripper legislation has taken the form of laws depriving district attorneys of the right to challenge jurors in certain cases, in order to influence the selection of juries in political trials; or laws taking the

"Ripper" Legislation.

[1] P. S. Reinsch, *op. cit.*, 286.

[2] For example, the Pennsylvania act of 1901, affecting Pittsburg, Allegheny, and Scranton. See C. R. Woodruff, "The Pennsylvania Rippers," *Municipal Affairs*, VI, 212–219 (1902). In 1921 the New Hampshire legislature transferred the administration of police, streets, highways, and sewers from the city authorities in Manchester to commissions appointed by the governor. A state commission was at the same time given the right to veto the whole or a part of any appropriation voted by the city government. See *Nat. Mun. Rev.*, X, 310–311 (1921).

power to grant liquor licenses away from the judiciary and giving it to a state excise board.

In this chapter an effort has been made to bring out some of the more striking manifestations of practical politics in connection with (1) the personnel of legislative bodies, (2) their outward structure, (3) their internal organization, (4) their methods of transacting business, and (5) in the character of some of the laws they turn out. The following chapter will be devoted to the principal factors or influences which shape legislation or determine its fate.

QUESTIONS AND TOPICS

1. Are the members of Congress and other legislative bodies chosen by the people to think for them or merely to give legislative expression to the popular thought and will? (See M. K. Hart.)

2. How are contested election cases disposed of in the different state legislatures? (See Reinsch.)

3. Summarize the history of contested election cases before the House of Representatives in Congress. (See Rammelkamp.)

4. What are the duties and powers of the presiding officers in municipal councils?

5. A brief historical sketch of the most famous contests in Congress over the election of a speaker. (See Follett, and the general histories.)

6. Enlarge upon the advantages and disadvantages of the "committee system" in Congress and state legislatures and explain the remedies proposed for the evils of the system. (See McConachie, Wilson, Bryce, Haines.)

7. Make a list of the committees in both houses of Congress and of your own state legislature and city government. Do any special business, political, or sectional interests appear to be in control of the most important of these committees?

8. The English party "whip" and his functions. Is there any similar institution in Congress? (See Bryce, Lowell.)

9. What effect is the popular distrust of legislative bodies having upon the influence and powers of the governor and mayor in different states and cities?

10. Compile all the available data showing the number and character of bills ordinarily introduced into and enacted by state legislatures.

11. Tabulate and summarize the state constitutional limitations upon legislatures designed to prevent special or local legislation.

12. The discussions in the Pennsylvania constitutional convention of 1873 over limitations upon the power of the legislature.

13. The discussions in the New York constitutional convention of 1894 over limitations upon the power of the legislature.

14. What important "ripper" legislation has been enacted or attempted in your own state? What were the interests behind it?

15. The discussion in the Illinois constitutional convention of 1870 over limitations upon the powers of the legislature.

16. The abuses connected with contested election cases in the Illinois legislature. (See Munro.)

17. Private bills in recent Illinois legislatures. (See Munro.)

18. The change in the House rules in 1910 providing for a "calendar of motions to discharge committees," and how it has worked in practice. (See Haines.)

19. Explain the way in which the so-called House machine is perpetuated from one session of Congress to another. (See Haines.)

20. Relate the circumstances surrounding, and summarize the debate accompanying, the creation of a committee on committees in Congress in 1911.

21. What were the politics back of the reorganization of the House committee on committees in 1919–20? (See Brown, *The Searchlight.*)

22. Recent contested congressional election cases.

23. What is to be said for and against a legislative rule requiring committees to report upon every measure referred to them?

24. Relate the circumstances under which the House committee on interstate commerce was discharged from the consideration of the Howell-Barclay bill for the abolition of the Railway Labor Board. (May 5, 1924.)

25. What committees in the national House of Representatives are useless or inactive?

26. Report on the unwarranted changes introduced into the Fordney-McCumber tariff bill by the conference committee in 1922. (See *The Searchlight.*)

27. The private bill evil in Congress.

28. What advantages would a single-chambered state legislature have over the present bicameral system? Where are unicameral legislative bodies to be found?

29. Under what circumstances were the Illinois and Pennsylvania speakers deposed in 1903 and 1921, respectively?

30. How is congestion of legislative business avoided in the Massachusetts legislature?

31. What are the legislative rules in your state relating to the discharge of committees from the consideration of bills referred to them?

CHAPTER XIX

PRACTICAL POLITICS IN LEGISLATIVE BODIES (CONCLUDED). FACTORS INFLUENCING LEGISLATION. THE PARTY CAUCUS. FLOOR LEADER AND STEERING COMMITTEE. COMMITTEE ON RULES. PARTISAN CONSIDERATIONS. GERRYMANDERING. LOG-ROLLING. BRIBERY. THE LOBBY. EXECUTIVE INFLUENCE

AMONG the *influences or factors shaping or determining legislation*, other than those incidentally mentioned in the preceding chapter, the speaker occupies a position of great importance, especially in state legislatures.

Internal Factors: The Speaker's Power of Reference.

Every bill introduced into a state legislature is at once referred by the speaker to some committee. Ordinarily, no bill can be acted upon by the house until it has been reported back by the committee to which it has been referred. Therefore, through his power of reference, especially when combined with the power of appointment, the legislative speaker may determine in advance the fate of bills anticipated and of bills unexpected. For example, if the speaker and those whom he represents are opposed to a state tax on incomes or on corporations, to increased appropriations for highways or for educational institutions, etc., the committees which deal with these matters may be "packed" with men who are known to the leaders, at least, to be willing to use their position to defeat such measures in one way or another. On the other hand, the committees may be so constituted as practically to insure the success of measures favored by a speaker personally or by his political friends.

Before 1910 the congressional speaker's power of reference was, if anything, more effective in determining the fate of bills than that of the legislative speaker; and at times it was used in

a high-handed and arbitrary, if not tyrannical, manner. But after the speaker was divested of the right to appoint committees in 1910–11, his official influence steadily diminished. At the present time most public bills[1] are sent to the appropriate committee by the clerk of the House; and only when the clerk is in doubt as to which committee a bill should go does the speaker act directly in the assignment of bills. This decline of the speakership has been due, in part, to the fact that the last two speakers (Clark and Gillett) have not been the forceful aggressive partisans that their predecessors, Reed and Cannon, were, but have been content to play a more or less passive rôle as presiding officers or moderators.[2]

Power of Recognition.

The congressional speaker retains, however, his power of recognition, that is, the right to assign the floor to members who wish to bring a bill or resolution to the attention of the House; and this is still a power of some importance, since without formal "recognition" no member can obtain the ear of the House. The English speaker tries to accord recognition impartially to the members of all parties; but such impartiality rarely characterizes the American speaker, either in Congress or in state legislatures. On the contrary, the American speaker is everywhere a partisan official who expects, and is expected, to use his official position in every way possible to further the interests and programme of his party or faction. To be sure, the speaker in Congress, and, to a less degree, in state legislatures, is bound by rules which give precedence to certain committees over others, and set apart certain days for the consideration of special classes of business; but, after making due allowance for such limitations, speakers everywhere still have ample opportunity to make the power of recognition effective in promoting or defeating particular measures. Again and again, when a member rises to obtain recognition, the speaker has asked, "For what purpose?" and then has decided whether the member is "recognized." This

[1] Private bills are assigned to the committee designated by the member who introduced them.

[2] See G. R. Brown, *The Leadership of Congress* (1923), Ch. XI.

decision depends upon whether the member rises for a purpose which has the speaker's approval. When an important bill is before the House for consideration, the speaker usually has before him a list of men desiring to speak. So many members struggle for the floor that previous arrangement has been found to be necessary.[1] Any member, therefore, who wishes to call up a measure in the House must, as a matter of practice, visit the speaker in advance and secure his approval. In giving his consent the speaker is not unmindful of the service he has secured or may secure from the man soliciting his favor.[2] By this power of recognition speakers have been able to prevent the consideration of motions or measures to which they personally, or the clique to which they belong, were opposed.[3] Where party lines are sharply drawn upon important subjects of legislation, the minority party is absolutely helpless to avail itself even of the rules unless it can first get the recognition of the speaker.[4] The arbitrary exercise of the power of recognition is by no means confined to the speakers of Congress: in the state legislatures, especially in states where the party organization or machine is highly developed, the speaker often exercises the power of recognition in practically the same arbitrary manner to promote or defeat legislation.

But far more important as factors in congressional legislation today are the majority party caucus, the steering committee and floor-leader, and the committee on rules; indeed, these organs of party control may be said to have fallen heir to practically all the principal powers of the speaker, and each of them will now be considered briefly.[5]

Congressional and legislative party caucuses have been used

[1] M. P. Follett, *The Speaker of the House of Representatives*, 251.

[2] Beard, 282.

[3] For examples of this occurring under Speakers Blaine, Carlisle, Reed, and Cannon, see M. P. Follett, *op. cit.*

[4] Since 1890 the speaker in Congress has had the right to refuse to entertain dilatory motions, that is, motions intended to delay, or obstruct, the execution of the majority party's programme.

[5] Similar institutions exist, and at times play a leading part, in state legislatures.

for different purposes. At the beginning of a legislative session the party caucus is employed for the nomination of candidates for various legislative offices which are to be filled by election, as, for example, the speaker of the house and the president *pro tempore* of the senate. Nomination by the caucus of the dominant party is generally equivalent to election by the legislature. The contests in the caucus are frequently very heated and the methods resorted to in such cases are not always above criticism. The lobbyists representing the special interests sometimes actively seek to get a speaker who will appoint committees favorable to their schemes. Pledges may be required and given, with the result that the committees are packed in advance, and thus the course of legislation is to some extent predetermined.[1]

The Caucus: *Indirect* Influence.

In the organization of each new Congress, likewise, the party caucus is of the first importance, both in the Senate and in the House. In the first place, the majority caucus virtually elects the speaker of the House and the president *pro tempore* of the Senate. It also elects a steering committee, a floor-leader, and either appoints the committee on committees, or decides how that committee shall be made up; and the slate of committee assignments must receive its approval before it is formally reported to the appropriate house for ratification. Furthermore, the House majority caucus also elects the majority members of the powerful committee on rules. The minority party in each body also has its caucus in which its candidate for speaker is selected,[2] and the method of assigning its members to committees is agreed upon. But the minority caucus exerts no appreciable influence upon the organization of either the House or the Senate.

Through its control of the legislative or congressional organization the majority caucus exerts only an *indirect* influence upon legislation. But there are several ways in which that in-

[1] M. Ostrogorski, *Democracy and the Party System* (1910), p. 291.

[2] The defeated minority candidate for speaker usually becomes the floor-leader of his party.

fluence is felt directly. Whenever a line of policy has to be settled, or the whole party in the legislature rallied to support or oppose a given measure, the party members "go into caucus." Caucuses are held more frequently for such purposes in Congress than in state legislatures. In state legislation the small number of distinctively party measures and the centralization of party management, including legislation, in the hands of a boss or machine oligarchy are the chief reasons for the relative unimportance of the party caucus in state legislatures. Even in Congress only the most important measures are made the subject of caucus action; such action cannot be applied every day or to every bill.

Direct Influence.

As a factor shaping and influencing legislation the House majority caucus in Congress reached the peak of its importance between 1911 and 1919. If it was not the chief source of legislation on the most important issues of that period, it, at all events, was the mainspring of party action and control in the House. In April, 1911, for example, the Democratic majority caucus assumed the right to review and control the action of the most important committees before they reported to the House itself. Shortly after this action was taken, the majority caucus undertook to debate the details of important bills, and even assumed the task of perfecting such important measures as the federal reserve bill and the Glass currency bill before those measures were allowed to appear on the floor of the House. Such detailed consideration of legislation, however, has not characterized Republican majority caucuses since 1919.

A caucus is sometimes resorted to also where there is fear of mutiny against the organization leaders. In such cases the object of the caucus is not so much to smooth out differences of opinion as to coerce the individual members into submission. Ordinarily, however, the caucus affords an opportunity for free discussion and thus serves as a sort of safety-valve for pent-up feelings. It sometimes happens that members who have "gone into caucus" "walk out" of the caucus before a decision has been reached on the subject

Caucus Discipline.

under discussion, in order not to be bound by that decision. For it has come to be a recognized rule that once a member has gone into caucus he must abide by the decision of the majority, or become a "bolter" or "insurgent." Where party organization and discipline are strong the bolter takes his political life in his hand. Sometimes it is deemed wise, for the sake of harmony, instead of, or before resorting to, the more drastic caucus action, to call a "conference" of the party members in the legislative body. The decisions of a "conference" are not supposed to be binding upon those who participate.[1]

"Conferences."

Perhaps the most outstanding features of the legislative or congressional caucus are secrecy and irresponsibility. Of the discussions and votes which take place no record is kept, much less published in the official legislative journal or in the reports of debates in the *Congressional Record*. On the contrary, caucus action is practically everywhere shrouded in secrecy. More or less information as to what takes place leaks out, or is given out, from time to time, but the sessions are held behind closed doors, and representatives of the press and the public are not admitted. To understand, therefore, the real forces—and possibly the most potent forces—at work in lawmaking, especially in Congress, one not only must study the formal organization and procedure of legislative bodies as set down in their published rules, but must also comprehend this "invisible government" of the majority party caucus. The secrecy and consequent irresponsibility which surround that institution are deemed by some to be a serious evil, fraught with sinister possibilities, and quite out of harmony with American ideals of responsible representative government. Such critics demand that all caucus sessions shall be thrown open to the public and that full records

Secrecy of the Caucus.

[1] Since about 1916 the term caucus has been in disrepute in Congress, and the term "conference" has been commonly substituted in official reports and discussions. The "majority conference," however, retains all the features of the old majority caucus; in fact, it is merely the caucus under a new name.

be kept, and published from time to time, showing all matters discussed, and how every member voted.[1]

Created by the House majority caucus and responsible to it alone are three other factors of the first importance in influencing congressional legislation; namely, the floor-leader, the steering committee, and the rules committee.

The Majority Floor-Leader.

In any body as large as the House, leadership is essential, and is bound to appear in one form or another. Before the changes of 1910–11, it was to be found in the speakership. However arbitrary and tyrannical this leadership may have been under Reed and Cannon, it had the merit of being openly avowed, official, and responsible. No attempt was made at disguises; the speaker frankly admitted his responsibility to the entire House, and that body could depose him at any time it saw fit. The majority leadership of the present day, however, is of quite a different type. It no longer resides in the speaker but in the majority floor-leader; and this official admits no responsibility on his part to the House as a whole, but only to the majority caucus which elected him and alone can remove him. Unlike the speaker, he holds no official position in the House organization, but functions mainly through his position as chairman of the steering committee, which, again, is no part of the formal House organization, since it is created solely by the majority caucus and is accountable only to that body.[2] The House can neither call the floor-leader to account nor depose him from his position as majority leader. In comparison with the speakership, the floor-leader's position is inconspicuous and unobtrusive, but his influence is none the less potent.[3] In fact, the floor-leader has become "the general manager of his party in the

[1] See W. G. Haines, "The Congressional Caucus To-Day," *Am. Pol. Sci. Rev.*, IX, 696–706, (1915); L. Haines, *Your Congress* (1915), pp. 75–86.

[2] Leadership in the majority caucus itself rests with a dozen or two of the older, more experienced, members, who have been re-elected several times, and have become thoroughly familiar with the rules of the House, and are skilled in the art of influencing their fellow members.

[3] See G. R. Brown, *The Leadership of Congress* (1923), Ch. XII, "Invisible Government in Washington."

House, the counsellor of his colleagues, the harmonizer of their conflicting opinions; their servant, but not their master." [1] Obviously, personal qualities count for much in such a position: approachability, tact, patience, diplomacy, and unfailing good humor must be united in a successful floor-leader; and these qualities must be reinforced by a thorough knowledge of the rules and traditions of the House. Furthermore, the floor-leader must be alert and energetic, continuously in touch with the sentiment of the House, at least of his own party; and in constant communication with chairmen whose committees may be considering bills of interest to the House, to the country, or to the majority party.[2]

The Steering Committee.

The functions of the house steering committee, which first appeared in 1919, are to select from the mass of bills introduced at every session those which the party leaders wish to have advanced to final consideration, to assist in formulating party policy with respect to these measures, and to unite party support behind them. These duties make the steering committee in reality the most important governing group in the entire House: it has virtually exclusive jurisdiction of the policy and programme of the majority, and the management of all important business transacted by the House.[3] Secrecy, at all events lack of publicity, envelops all the movements of this powerful committee. "The names of its members are not of public record anywhere, are not published in the newspapers, and few accounts of its proceedings are ever printed." Indeed, at first, even its existence was denied,[4] but now (1924) it is known to consist of the floor-leader, as chairman, and seven other members elected by and from the majority caucus. There are, of course, no minority members. Meetings of the committee are called by the floor-leader as often as occasion requires, usually every day. Although they are not members of the committee, the speaker and the chairman or some other member of the rules committee regularly meet with the steering committee. Committee chairmen and other members

[1] G. R. Brown *op. cit.*, 224.
[2] *Ibid.*, 220.
[3] *Ibid.*, 218.
[4] *Ibid.*, 213.

of the House are likewise frequently called in for conference, and members are free to make direct personal appeals to the committee to advance or oppose measures in which they feel especially interested. Although meetings of the steering committee are held behind closed doors and the proceedings are not formally disclosed or published, the floor-leader in the sixty-seventh Congress (1921–23) "inaugurated the policy of posting a tentative programme for a week in advance; and not long after, a copy of the programme for the following week was sent to each member of the House on Friday or Saturday. It was not always possible to carry this programme out exactly, but members were given reasonably accurate information, and had time to prepare for the consideration on the floor of bills which might not have been considered by the committees of which they were members, but in which their constituents were interested." [1]

Floor-leaders and steering committees are found in some state legislatures, but nowhere do they continually play so important a part as in Congress. In many instances their influence is chiefly felt in the last week or two of the legislative session, when the congested condition of business requires some such sifting agency.

Second in importance only to the steering committee stands the powerful committee on rules in the national House of Representatives.[2] Having selected the bills which are to be brought before the House, the steering committee looks to the rules committee to get these bills before the House and through that body in a form satisfactory to the majority leaders. Close co-operation must therefore exist between these two governing committees; and this

The Rules Committee.

[1] G. R. Brown, *op. cit.*, 224.

[2] The Senate, being a smaller body, requires a less elaborate organization than the House, and has not concentrated such extensive powers in the hands of a small group as the House has done. The party caucus, a committee on rules, and a steering committee all exist in the Senate, but are much less powerful than the corresponding institutions in the House. Indeed, individual senators enjoy a degree of independence quite unknown to representatives.

explains the presence, noted above, of the chairman or some other member of the rules committee at all meetings of the steering committee.

Formerly the committee on rules consisted of the speaker and four other members appointed by him equally from the majority and minority parties. The great power of the speaker in the years just preceding 1910 was very largely due to the fact that he was chairman of this committee, and the other members were all his appointees; and also to the highly privileged character of all the reports of that committee. By March, 1910, however, the tyranny of this committee had become intolerable, and after a dramatic session[1] the House voted not only to remove the speaker from the committee and to enlarge it, but also to have the members in future elected by the House itself. In practice this has meant selection by the respective majority and minority caucuses, formally ratified by action of the entire House. The committee now consists of eight majority and four minority members, all of them congressional veterans. In some respects this change has been beneficial: the enlarged committee is probably a more representative body than the small committee of five had been; and, under the new method of selection, it is directly responsible to the House itself. But the rules committee is no less powerful than before, and it continues to rule the House with a rod of iron.

Powers of the Rules Committee.

It is able to do this because (*a*) it is one of the most highly privileged committees in the House; that is to say, it may interrupt the proceedings of the House at almost any time and have its reports considered forthwith.[2] (*b*) Under the existing House rules, resolutions calling for an investigation of any department or office under the national government are automatically referred to this committee. A more effective way of entombing attempts by minority or insurgent members to institute investigations that

[1] See E. H. Abbott, "The Liberation of the House," *Outlook*, XCIV, 750 (1910).

[2] Conference committee reports have precedence over reports of the committee on rules; and a report from this committee is not in order when the House has voted to go into committee of the whole House.

might prove embarrassing to the party in power could hardly be devised.[1]

(*c*) Any proposed change in the standing rules of the House are automatically referred to this committee, and unless approved by the committee are never heard of thereafter. Naturally, the committee will not approve, except under compulsion, proposed changes which are likely to diminish its own control over the business of the House; and a few years ago sixty-odd proposed modifications of that sort were accordingly buried in committee. If, therefore, a group of members believe that important changes should be made, the time to introduce and adopt them is before the House has completed its organization at the very opening of a new Congress. Unless changes can be made then, before the old rules are readopted, it is practically impossible to bring about any important modifications during the life of that Congress. Appreciating this fact, a small group of "radicals," "insurgents," or "progressives," as they have been variously called, holding the balance of power, refused to let the House organize in December, 1923, until, with the assistance of the Democratic minority, certain concessions had been wrung from the majority leaders. As a result, a few important changes were adopted in January, 1924, under one of which the rules committee can be compelled to report proposed changes that have been referred to it. In this way the rules have been made somewhat more easily amendable than formerly.[2]

Rules Amended, 1924.

(*d*) But the chief work of the rules committee is not directly

[1] Whenever a Democratic administration and Congress, for example, are succeeded by a Republican administration and Congress, numerous proposals are brought forward by congressmen for the appointment of committees of investigation, in the hope that they will unearth something which can be used to discredit the former administration in an approaching campaign. Similar committees of investigation are frequently created from similar motives by state legislatures. For a partial list of congressional investigations suppressed by the House committee on rules in the 67th Congress, see *The Searchlight*, VII, 11 (May, 1923).

[2] The debate over these changes throws a good deal of light upon House procedure. See *Congressional Record*, 68th Congress, 1st session, January 14–18, 1924. For a fuller statement of the demands of the insurgents in

concerned with the standing rules of the House, which, indeed, are altered very slightly, if at all, from session to session. Its chief importance as a factor in congressional legislation appears in the privileged character of its reports and in the fact that these reports usually take the form of *special* rules designed to advance or to obstruct some particular bill. So great is the mass of legislation on the House calendar that many an important measure stands little or no chance of receiving consideration unless the rules committee is instructed or induced to bring it forward as a "special order" under a special "rule." Special rules in such cases often go a great deal further, and limit the time of debate, the number of amendments that may be introduced, the clauses or sections which may be amended, and even the form itself of permissible amendments; all of which restrictions are of course intended to facilitate the passage of the bill in a form acceptable to the majority leaders. Such limitations upon freedom of debate and amendment, critics have stigmatized as "gag rules." [1]

Special Rules.

The committee may also use its power to obstruct and sidetrack, as well as to advance, measures. Now and then the majority leaders are caught off their guard, and an obnoxious measure, by some mischance, gets before the House. Under such circumstances the rules committee is hurriedly convened, and a special rule is quickly devised to meet the situation and immediately reported to the House, not only interrupting consideration of the interloper but postponing all further consideration thereof indefinitely. The rules committee has even been known to draft an entire bill overnight, introduce it in the House the next morning, and force its passage without any opportunity whatever for reference to a standing committee.[2]

December, 1923, see *The Searchlight on Congress*, VIII, 10–15 (December, 1923); IX, 13–16 (January, 1924).

[1] Examples may be found in *The Searchlight*, VI, 7–8 (July, 1921); VI, 6 (August, 1921).

[2] As happened in the case of the ship purchase bill in 1915. See L. Haines, *Your Congress* (1915), pp. 94–96.

Committees on rules are also found in all state legislatures, but in only a

Having thus seen what are the most powerful factors, indeed the controlling forces, in congressional legislation, one can readily understand that ordinarily the character of the bills passed by the House will undoubtedly reflect the political views of the comparatively small group who dominate the majority caucus and, through that domination, control the speakership, the floor-leader, the steering committee, and the committee on rules. Whether the measures favored by this House "machine" are progressive or reactionary, whether they are for the public welfare or for the benefit of private interests, all depends upon the political principles and policies of those who hold these strategic positions in the House organization. *But the ultimate responsibility for the presence of these leaders in Congress, and, therefore, for the character of the legislative output, goes back, of course, to the voters in their respective congressional districts.*

Legislative Leadership and Legislation.

One other phase of congressional organization needs brief consideration at this point, and that is the committee of the whole. When the House votes to resolve itself into a committee of the whole for the consideration of private or of public bills, the speaker calls some member to the chair and does not resume it until the committee "rises." The committee has been described as "the House under an assumed name." One hundred members, instead of a majority, constitute a quorum. Debate proceeds very informally and is regularly reported in the *Congressional Record.* Doubtless this form of procedure has certain advantages over the more formal methods governing regular sessions of the House. Whatever action is taken in committee of the whole, to become effective, of course, requires the approval of the House in regular session, and not infrequently this body reverses the action of the committee. From the politician's point of view the great value of the committee of the whole lies in the fact that no record is kept of how members vote, whereas,

Committee of the Whole.

few, notably New York, are they relatively as powerful bodies as the rules committee in the national House of Representatives.

when the House is in regular session, the constitution permits one-fifth of the members to demand a yea-and-nay vote, or roll-call, which places members upon record, and thus enables their constituents to hold them to accountability. The committee of the whole affords at least the opportunity to evade this constitutional safeguard, and some go so far as to say that, at the present time, this appears to be the main purpose of the committee. At all events, measures may be modified in all sorts of ways in this committee, and the public is without means of knowing who supported and who opposed any of these changes. There is some reason to feel, as one critic does, that "the committee of the whole is only a contrivance through which politicians carry on a pretense of deliberation"; that "its chief purpose is to evade public records"; and that "it is the House with the lights turned off." [1]

Considerations of Party Expediency.

Considerations based upon party expediency or party advantage are often potent factors in the shaping and enactment of legislation. Some measures in Congress are spoken of as "party" measures and are passed or defeated by a strictly "party vote." Of the total number of bills voted upon by Congress, however, "party measures" form but a small proportion. The amount of party voting in Congress varies from one Congress to another and even from one session to another, and does not follow any fixed law of evolution. The proportion of party votes is distinctly less than in the English Parliament.[2]

In the state legislatures, party lines are even less tightly drawn upon subjects of general legislation. Our political parties are essentially national parties, and they divide mainly upon national issues. It is, therefore, difficult for them to take sides upon questions of state legislation without drawing lines that cut and cross the regular party lines and offend a certain number of adherents. Members of most state legislatures are elected on party lines that have comparatively little connection with the actual legislative questions which they are called upon to

[1] L. Haines, *The Searchlight*, VII, 5–6 (May, 1923).
[2] A. L. Lowell, Am. Hist. Assn. *Report*, I, 319 (1901).

decide.[1] When the legislature is being organized and its offices distributed, party activity is indeed very animated. On such questions as the redistricting of the electorate or the creation of new local units of government, party discipline is usually kept up, but questions of general legislation are rarely made a matter of party difference. The frequency of unanimous votes is surprising. It is not unusual for more than one-half of the votes in the session to be unanimous.[2] Nevertheless, considerations of party expediency frequently appear in the enactment of state legislation of a distinctly and offensively partisan character. Such legislation is designed and defended as a means of perpetuating the party's control of the state and local governments and of strengthening it numerically in Congress.

Certain kinds of "ripper" legislation, such as laws providing for the removal of political opponents, laws providing long terms of office for partisan favorites, laws amending municipal charters one way for political friends and another way for political opponents, without regard to decency, consistency, or right: these are all instances of odious partisan influence in legislation. Unfair election laws afford another illustration of partisan legislation of the baser sort. In a few states such legislation has gone to great lengths. Some years ago the party in control of the Kentucky legislature created an election system which centralized and vested in the governor, or in officials selected by him, the appointment of all local election officials throughout the state, regardless of the democratic principle of home rule; and authorized the legislature itself to canvass the election returns and to reject, virtually at its discretion, the votes of any county in the state and to declare elected whichever candidate it pleased. Furthermore, the courts were deprived of jurisdiction to review the proceedings of the legislature for the purpose of correcting errors or to regulate its action in accordance with well-established legal principles.[3]

Perhaps the worst species of legislation dictated solely by partisan considerations is to be found in laws which create un-

[1] *Ibid.*, 347.
[2] Reinsch, 276–277.
[3] D. B. Hill, *No. Am. Rev.*, CLXX, 367 (1900).

equal and unfair districts from which representatives in Congress and members of the state legislature are to be chosen. Legal obstacles to such legislation are to be found in those federal and state statutes and provisions of state constitutions which provide that districts shall be composed of contiguous territory and that they shall contain as nearly as practicable an equal number of inhabitants. Nevertheless, these legal requirements are either evaded or clearly violated by practically every legislative act outlining congressional or legislative districts. Where representation in a legislative body is based upon districts, it is obvious that an advantage will accrue to the party which has a majority in as many districts as possible. Since exact equality in outlining districts is impracticable, the dominant party naturally turns this inevitable inequality to its own advantage. Consequently we find states divided in such a way that the dominant party shall have a small but ordinarily safe majority in as many districts as possible, while the strength of the opposing party will be concentrated in as few districts as possible, where its majorities will be overwhelming. Such unequal districting of a state for partisan purposes is called a "gerrymander."

Gerrymanders.

A gerrymander of congressional districts is most likely to occur soon after the publication of the results of the decennial census, especially if this shows the necessity for any change in a state's congressional representation. A gerrymander of state legislative districts may occur more frequently. It occurs most frequently in states where parties are evenly divided and where legislatures alternate frequently in their political complexion. In such states it has come to be taken for granted that the party victorious in the election of the members of the state legislature will gerrymander the state in its own favor.[1]

[1] J. R. Commons, *Proportional Representation*, 59. In the state and congressional campaign of 1910 the chairman of the New York State Republican committee sent out a circular letter containing the following warning: "The election is unusually important. . . . The election of the Democratic ticket will enable the Democrats to redistrict the congressional districts so that for the next ten years twenty-five congressional districts will probably be Democratic, instead of twelve, as at present. . . ." *Outlook*, XCVII, 192 (1911).

As a result of gerrymanders, the maps of congressional and legislative districts in some states present very striking irregularities in boundaries and in the shape of different districts. For example, we have had the famous "shoe-string" district in Mississippi, three hundred miles long by twenty broad; another district, in Pennsylvania, resembling a dumb-bell; the famous "saddle-bags" district (the 23d) in Illinois; and the "belt-line" district (the 11th) also in Illinois, running around Cook County.[1]

Results of Gerrymanders.

It has also sometimes happened that a representative in Congress, after having served several terms and acquired familiarity with the rules, and attained national prominence, has found his home district so reconstructed as to give the opposite party a majority, resulting in his retirement from Congress at the next election. Mr. McKinley, later president, was thus legislated out of office, and other instances might be cited.[2] Perhaps the worst result of a gerrymander is that it virtually disfranchises many voters by placing them in districts in which their party, under all ordinary circumstances, is always in a minority, thus virtually preventing their representation in either legislature or Congress, or both.

On the other hand, a legislature may neglect to pass reapportionment laws although clearly directed so to do by the state constitution. The result may be no less serious or unfair than that chargeable to a gerrymander. Where, for example, the constitution requires the legislature to redivide the state after each decennial census into districts of approximately equal population, from which members of the legislature are to be elected, the constitutional mandate is sometimes deliberately disregarded owing to the hostility of the rural districts to the more rapidly growing urban sections of the state. As a result, the latter are deprived of their proportionate representation in the policy-determining body of the state, while the less rap-

[1] Reinsch, 202; Bryce, I, 126 n. Outline maps showing congressional districts in all the states may be found in any recent edition of the *Congressional Directory*.

[2] J. R. Commons, *op. cit.*, 41; Reinsch, 201.

idly growing sections continue to be proportionately over-represented.[1]

Creation of Superfluous Offices.

Another species of legislation dictated mainly by partisan considerations consists of acts which create new and unnecessary offices or burden these and old ones with superfluous officials. This is done with the expectation that these offices can be used as rewards for party workers or otherwise for the strengthening of the party or the dominant machine. This practice has already been considered in connection with the spoils system[2] and needs no further comment.

Miscellaneous Influences: "Log-Rolling."

Many bills are put through legislative bodies by resorting to what is called "log-rolling." This process may be illustrated as follows: "Two members, each of whom has a bill to get through, or one of whom desires to prevent his railroad from being interfered with while the other wishes the tariff on an article which he manufactures kept up, make a compact by which each aids the other. This is log-rolling. You help me roll my log, which is too heavy for my unaided strength, and I will help you to roll yours."[3] The term is derived from pioneer times, when frontiersmen helped one another in rolling logs, making clearings, and building cabins.

The practice of log-rolling explains the enactment of much special legislation of a pernicious character and much of the wastefulness and extravagance that have appeared in congressional appropriations and, in a somewhat less degree, in state appropriations. River and harbor bills, for example, have been loaded down with appropriations for utterly unworthy undertakings, because congressmen have come to feel that their standing with their constituents and tenure of position depend

[1] A flagrant instance of this sort is to be found in Illinois, where the constitutional mandate has not been obeyed since 1901. The result is that Cook County, which is entitled to 23 senators and 69 representatives, now has only 19 and 57, respectively. This is all the more unfair because observance of the constitutional requirement would still leave Cook County with less than a majority in each house.

[2] See Ch. XIV.

[3] Bryce, II, 160.

not upon their high abilities for dealing with really great issues, but upon the success with which they may secure appropriations for selfish local interests—that is, "get pork out of the public pork-barrel." And it is only by voting for the appropriations of this nature which are desired by his colleagues that the ordinary congressman can secure the appropriations he desires for his own district.[1] Log-rolling also obtains to a deplorable degree in connection with appropriations for federal buildings, the establishment and upkeep of army posts, and special legislation in the form of private pension bills. In state legislatures, on a smaller scale, the same extravagant and wasteful method of log-rolling is rampant. The size of appropriations is often determined not by any fair or adequate considerations of the merits of the recipient institution or project, but by the necessity of making the surplus in the state treasury "go around," so that as many interests as possible may be served at the "pie-counter."

Bribery.

The precise extent to which bribery and other forms of corruption serve to influence legislation will probably never be known. In the nature of the transaction, with laws and public opinion almost universally condemning bribery, it is conducted with the greatest possible secrecy. Only now and then does an exposure suggest the possible full extent of the evil. It undoubtedly exists to some extent in all legislative bodies, and is believed to be especially frequent in the case of municipal councils and in the legislatures of a few states. In Congress, Mr. Bryce estimated that perhaps five per cent of the members may be susceptible to such influence. Proof of direct corruption in that body, however, has been very rare, although during the Civil War there were some actual cases of the payment of money for votes; and during Reconstruction three members of the House were found guilty of selling nominations to West Point. Occasionally members have been known to accept stocks and bonds as gifts, or to take them over at low prices, with the understanding that the enactment of pending legislation would greatly increase their market value.[2] During

[1] Beard, 271.

[2] *E. g.*, the Crédit Mobilier scandal, 1867–73.

the last forty years, however, few legislative bodies in the world have been freer from charges of the transfer of votes for money or other valuable considerations.[1] Some people feel that when legislators accept bribes they are more sinned against than sinning, and should therefore be dealt with leniently; the average citizen has no adequate conception of the pressure at times brought to bear upon law-makers by bosses, special interests, and political machines.

"Hold-up" or Blackmailing Bills.

On the other hand, many, if not most, of the state legislatures contain a few unprincipled members who deliberately invite bribery. This takes the form of what is called "strike" legislation, "regulators," or "hold-up" bills. Sometimes a member brings in a bill directed against some railroad or other corporation, merely to levy blackmail upon it. Examples of such "strikes," or "hold-ups," are to be found in bills requiring railroads to establish standard scales at country crossroads, put asphalt between the rails in desolate places, place stock-yards on costly terminal grounds, etc.[2] A certain state senator for some years regularly practised this trick. Having introduced his "strike," the senator would come straight to New York, call at the railroad offices, and ask the president of the road what he would give him to withdraw the bill. Professor Reinsch is authority for the statement that the president of a New York life insurance company declared that eighty per cent of all legislative bills referring to insurance are "hold-up" measures.[3]

Owing to this practice, the representatives of industrial and commercial interests claim that they are forced to the adoption of corrupt methods as a means of self-protection against unreasonable legislation or of securing such laws as are necessary to the proper prosecution of their business. In the majority of cases, however, this defense of corruption is unconvincing.

[1] A. B. Hart, *Actual Government*, 247.

[2] M. Gardenshire, *No. Am. Rev.*, CXCI, 483 (1910).

[3] Bryce, II, 161; Reinsch, 283. See also L. Haines, *The Minnesota Legislature of 1911*, pp. 97–98. For examples of "hold-up" or "regulator" bills in the Illinois legislature, see I. L. Pollock, *Statute Law-Making in Iowa* (1916), 684, n. 66.

Money spent in this way to defeat or prevent legislation is worse than wasted, since the appetite grows by what it feeds on. It appears clearly from a study of the action of the great industrial interests that they often do not go into the legislature primarily for the purpose of self-defense, but on account of a desire to gain undue privileges denied to others, and to resist legislation demanded in the interest of the public.[1]

Influence of the Minority.

A strong, well-organized, and ably led minority in a legislative body sometimes exerts an influence in shaping legislation. By taking advantage of disagreements in the dominant party, and by resorting to dilatory parliamentary tactics, called "filibustering," a minority has been able to wear out the majority and prevent an obnoxious measure from coming to a final vote. This is an especially potent weapon in the last crowded days of a congressional or legislative session. Filibustering may also be resorted to not simply to insure the ultimate defeat of a measure, but for the purpose of forcing the majority party to accept certain amendments desired by the minority. Under peculiarly favorable circumstances filibustering may be employed to compel the consideration of measures which otherwise would receive no attention at the hands of the majority. With such a purpose in view, the Democratic minority in the Rhode Island Senate in 1923 and 1924 maintained a deadlock lasting for several months, during which the Republican majority were unable to pass their most important measures.[2] Finally, a minority has not infrequently performed an important service by exposing the hol-

[1] Reinsch, 255.

[2] See *Literary Digest*, LXXXII, July 5, 1924, p. 17, "Rhode Island's Political Rumpus"; R. L. Duffus, "Senateless Rhode Island Asks What Next?" New York *Times*, July 6, 1924; O. A. Welsh, "Rhode Island's Revolution," *Nation*, CXIX, 14, (1924); C. C. Hubbard, "Legislative War in Rhode Island," *Nat. Mun. Rev.*, XIII, 477–480 (1924). A recent instance of filibustering in Congress occurred in both houses over the anti-lynching bill in 1921–22. In the Senate, the filibuster took the form of refusal of unanimous consent to dispensing with the reading of the journal, followed by minute criticisms of the record, and motions to correct, etc. See *Am. Pol. Sci. Rev.*, XVIII, 94 (1924).

lowness of much supposedly good legislation, and the perniciousness of other measures, favored by the dominant party.

External Factors.

Up to this point our attention has been fixed upon the principal *internal* factors or influences affecting legislation; the chief *external* factors remain to be considered, and first among these should be placed the lobby.

The Lobby.

"The lobby" is the name given to persons who undertake to influence the members of a legislative body to oppose or to support proposed legislation. One who makes a practice of thus seeking to influence legislators is called a "lobbyist," and his activity in that direction is called "lobbying." The term does not necessarily imply the corrupt use of money, nor does it necessarily impute any improper motive or conduct. Often, where the lobby is most industrious, numerous, persistent, and successful, corruption is wholly absent. "By casual interviews, by printed appeals in pamphlet form, by newspaper communications and leading articles, by personal introductions from or through men of supposed influence, by dinners, receptions, and other entertainments, by the arts of social life and the charms of feminine attraction," the legislator is besought to look with favor or disfavor upon measures which interested parties desire to have enacted or defeated. Lobbying of this nature can be and often is of the greatest educative value to legislators who are personally unacquainted with the merits or defects of particular legislation.[1]

Two Classes of Lobbyists.

There are two well-defined classes of lobbyists. The first class consists of perfectly honorable men, and sometimes women, who adopt open-and-above-board methods of influencing legislation. "They seek to organize a public opinion favorable to their measures by the industrious collection and publication of facts, the distribution of documents, and the taking of testimony before committees. . . . Reputable men in every department of life frequently endeavor to influence legislation, even in matters in which they have no pecuniary interest whatever."[2] The existence of this class of

[1] A. R. Spofford, in *Lalor*, II, 778; Bryce I, 691–695.
[2] *Ibid.*, 779.

lobbyists constitutes no serious problem except as it renders difficult the drafting of laws regulating lobbying which shall not unduly restrict such legitimate activities.

The other class of lobbyists has been called the unscrupulous "harpies and vultures of politics." Some of these are paid attorneys of corporations; many of them are former members of Congress or of state legislatures who understand the inner workings of the legislative machinery. It is this class, very largely representing the special interests and employing means more or less corrupt, which is, perhaps, the chief cause of bad legislation and the defeat of much that is good. Many congressmen and state legislators and municipal councilmen are personally interested, and lobby for themselves among their colleagues from the vantage-ground of their official positions. In great financial centres like New York a practice had grown up a few years ago which, while formally legal, carried with it a great temptation to employ corrupt means. Firms of lawyers would undertake to draft a bill for a certain purpose, have it introduced, watch its progress, argue it before committees, prepare written statements, and finally, after it had passed, defend its constitutionality, which they guaranteed. The remuneration paid for these services was at times exceedingly high, fees of $100,000 being not unusual. As the fees were contingent upon the passage and final validity of the law, it is apparent that they consituted an inducement to use methods which were not strictly professional. In fact, under the guise of legal representation, compensated by regular fees, some of the most objectionable lobbying has been carried on.[1]

Lobbying Under Boss Rule.

In states or cities where a boss or machine is in full control of a legislature the number of lobbyists is likely to be small. Instead of each special interest which desires to influence legislation having to go to the trouble and expense of interviewing and persuading individual members until a sufficient number can be won over, all that is necessary is to "see" the boss and comply with his terms. Whereupon the boss issues the necessary orders to "the boys"

[1] Reinsch, 292.

in the legislature or council, and the measure usually meets the fate desired. Here, as was explained in an earlier chapter,[1] is one of the greatest sources of power of the boss. The opportunity thus afforded for the enactment of pernicious special legislation and the defeat of good legislation, is too obvious to need further comment.[2]

In the case of Congress, on the other hand, there is no such thing as one organized or centralized lobby. At every session a host of lobbyists descends upon Washington and attempts to influence legislation, sometimes by individual, sometimes by associated, action. Changes in the tariff rates, in the prohibition laws, in the internal revenue taxes, in the banking and currency laws, mining statutes, public land laws, patent and pension laws, shipping subsidy bills, labor legislation, railway regulation, trust legislation, appropriation bills for river and harbor improvements—these and a multitude of other subjects of legislation bring to the capital expert lobbyists skilled in the manipulation of legislative bodies and employing every imaginable means.[3]

Causes of the Prevalence of Lobbying.

The chief causes of the widely ramifying activities of the lobby, both in Congress and state legislatures, are to be found in the nature of our legislative methods, especially in the opportunities which the committee system furnishes for influences to be brought to bear upon a few persons who occupy strategic positions with respect to pending legislation; and in the increasing number and variety of matters with which legislative bodies are called upon to deal. Sixty or seventy years ago there was comparatively little need of a lobby.[4] But under present conditions it is impossible for any ordinary member of a legislative body to keep abreast of his work. His own personal knowledge of the need for legislation and the merits or defects of pending bills is utterly inade-

[1] Chapter XVI. [2] See Reinsch, 233 ff.

[3] A. R. Spofford, *op. cit.*, 778. See "Watchful Lobbies and Lobbyists that Camp in Washington," *Literary Digest*, LXVII, October 30, 1920, pp. 58–60; "To Curb the Pestiferous Lobby," *ibid.*, LXVIII, January 29, 1921, p. 13; F. M. Davenport, "Impressions of a Modern Legislature," *Outlook*, CXXII, 286–292 (1919).

[4] *Nation*, LXXI, 206 (1900).

quate. The number of bills which explain themselves is comparatively small, and on many points even the most intelligent and active members welcome guidance. Indeed, it would seem as if the functions of our legislatures are, after all, nearly as much judicial in nature as strictly legislative; for comparatively little legislation originates in the state legislatures, or municipal councils, though in the case of Congress probably the proportion of legislation drafted by members is somewhat greater; but in all legislative bodies the major part of bills is drawn up by outsiders and introduced by some member "by request." Thus it has come about that a legislative body of necessity becomes to a great extent a court; or, in view of the universal committee system, a series of small courts which hear and determine matters brought before them by interested parties. While special interests are ever on hand to present their case before these courts, public opinion is seldom sufficiently well organized to make itself heard effectually.[1]

Public Opinion.

Nevertheless, public opinion should be reckoned among the important factors shaping legislation, although it has to be confessed that conspicuous instances of its influence seem all too rare. Yet there have been occasions when public opinion has been more potent than even the lobby and the machine. These occasions have most frequently arisen when public interest in legislation has been stimulated through some crying abuse or as a result of vigorous agitation in favor of some important reform measure. "Public opinion in such cases becomes articulate through newspaper propaganda and through the organization of various reform associations. While the special interests, of course, always provide themselves with newspaper organs, such affiliations are soon discovered by the public and the editorial column of such papers loses its influence. Some of the most gratifying defeats of machine manipulations in legislation have been brought about by the hue and cry raised by the independent metropolitan press.

[1] See comment of Mr. S. B. Scott on appropriations for charitable institutions in the Pennsylvania legislature, Philadelphia *Public Ledger*, February 2, 1915.

. . . Legislative organizations will be careful not to defy public opinion, however ready they may be to defeat it." [1]

Forceful and Popular Executives.

Finally, we must consider the increasing influence in recent years of executive officers—the president of the United States, the governors of the states, and the mayors of our largest cities. Their influence upon legislation may be exercised in a number of different ways. For example, it has become more and more the practice for executives to frame bills respecting important subjects of legislation which embody their own personal views and to have these bills introduced into the legislative body. The attention and consideration which such bills receive depend somewhat upon the party or factional divisions in the legislature and partly upon the extent of the popular support back of these executive recommendations.

Messages.

The president is required by the Constitution to give Congress information from time to time upon the state of the Union. This information takes the form of the president's message, "the most widely read public document in the United States." The president often indicates very clearly in his messages along what lines specific legislation is needed; and sometimes an entire message is given up to an explanation of some important bill recommended by him, and arguments in its favor. The governors of the different states and the mayors of cities likewise enjoy the privilege of urging legislation upon the attention of state legislatures and municipal councils. Not infrequently executive messages are in reality intended as appeals to the general public for support of certain bills to which the legislature is hostile or indifferent.

It is not uncommon for presidents, governors, and mayors to secure legislation from a reluctant legislature by withholding, or threatening to withhold, patronage from members who refuse to recede from their opposition to measures favored by the executive. By thus "wielding the big stick" the executive not infrequently has forced the enactment of legislation demanded by an aroused public sentiment but opposed by some

[1] Reinsch, 279, 282.

powerful special interest or political machine to which the members of the legislature were inclined to be subservient.

The Veto.

The right to veto legislation is enjoyed by the president and the governors of all but one of the states (North Carolina), and also by most mayors of cities. In a majority of the states the governor has the right to veto single items in appropriation bills; and mayors frequently have the same right. By this means a strong executive may check waste and extravagance; on the other hand, there is always the possibility that it may be used to build up a personal following, and thus to advance the political fortunes of the executive. With this end in view, appropriations which are to be expended in the districts of politicians who do not enjoy the governor's favor may be greatly reduced or entirely eliminated, while extravagant sums given to districts in which the governor desires to strengthen himself politically may be permitted to stand.

The power to veto specific items in congressional appropriation bills is not exercised by the president. He either vetoes or accepts in its entirety the bill as it passes Congress. Much extravagance and waste might be prevented if the president had the right to veto separate items, for advantage is frequently taken of his inability to do so to incorporate in appropriation bills for the support of the government or necessary public works and improvements other appropriations for unworthy enterprises. The president is thus forced either to veto the entire bill and thus deprive the government of necessary funds or else to approve the unworthy items along with the worthy. Perhaps the most notorious instances of the kind are the annual river and harbor appropriation bills, the bills appropriating money for the erection of federal buildings, such as post-offices,[1] and for the establishment and maintenance of military posts and navy-yards. Reckless and extravagant appropriations for these and even more unworthy objects spring from the desire of practical politicians in both houses of Congress to have as much as possible of the government's money spent in their own

[1] See "Political Public Buildings," *Searchlight on Congress*, II, 1–4 (January, 1917), and Supplement, "Mostly Pork."

districts as a means of increasing their political influence at home. Millions of dollars are thus wasted every year by Congress, the practice has come to be a national scandal, and the appropriation bills mentioned above have received the opprobrious epithet of the national "pork barrel." It is a matter of profound regret that the president does not enjoy the right to veto separate items in appropriation bills, although it is conceivable that the power might at times be improperly used.[1]

There is another way in which members of Congress take advantage of the president's limited veto power. Amendments called "riders," embodying legislation known to be disapproved by the president, are sometimes attached to appropriation bills. The president is then forced either to accept the obnoxious amendment or to veto the entire bill.[2] The practice of attaching "riders" is somewhat discredited and is usually tried only as a last resource. It obtains to some extent in state legislatures and municipal councils.

Special Sessions.

Through their power of calling special sessions of Congress or of the state legislature, presidents and governors may exercise far-reaching influence upon legislation. Special sessions are sometimes resorted to not merely for the purpose of meeting some emergency, but also for the purpose of forcing upon the reluctant attention of the legislature subjects of legislation in which the executive is especially interested. Where, as in some states, special legislative sessions are permitted to consider only subjects which are named in the summons issued by the governor, the power of calling such sessions may be made a powerful lever for good in the hands of a strong executive, backed by a powerful public sentiment.[3]

[1] The new budget system adopted by Congress in 1921 may, it is hoped, serve as a check upon pork-barrel legislation, but it must not be regarded as a positive guaranty against that sort of thing.

[2] An example occurred in 1919 when the agricultural appropriation bill carried a rider which repealed the daylight saving law. The bill was vetoed and was then re-passed without the rider.

[3] In this way Governor Hughes, in 1908–09, forced the New York legislature to consider anti-race-track-gambling bills and direct primary legislation.

Having thus reviewed the principal ways in which practical politics appear in connection with legislative bodies, and noted some of the evils connected therewith, we shall take up in the next chapter some of the ways in which certain of these evils have been met and, in a measure, remedied.

QUESTIONS AND TOPICS

1. Give specific instances where the speaker's power of recognition has been used to influence congressional legislation? (See Bryce, Follett, Hale.)

2. Compare the position, influence, and methods of the speaker of Congress with the speaker of the English House of Commons.

3. Compare the influence and methods of the speaker in Congress and the speaker in your own state legislature.

4. In what different ways did the following men add to the influence and power of the speakership in Congress: Henry Clay, James G. Blaine, Schuyler Colfax, Samuel J. Randall, Thomas B. Reed? (See Follett.)

5. Causes and results of the agitation against "Cannonism," 1907–1910.

6. Collect specific instances of the way in which the house committee on rules has influenced important congressional legislation in the past few years.

7. An account of the circumstances attending the elimination of the speaker from the committee on rules in Congress, March 19, 1910.

8. Compare the influence of Speakers Clark and Gillett in Congress with that of Reed and Cannon.

9. Compare the composition, powers, and methods of the committee on rules in your own state legislature with those of the congressional committee on rules.

10. Compare English and Canadian parliamentary methods with American legislative procedure. (See Bryce, Ford, Lowell's *Government of England*.)

11. The English system of dealing with private bills and regulating lobbying before Parliament.

12. The Louisiana Lottery Company and the Louisiana legislature. (See Buell, McGloin, Wicliffe.)

13. Lobbying methods in the New York legislature as revealed in the insurance investigation of 1905.

14. Lobbying in Congress by the Union Pacific Railway interests, 1867–1888. (See *Senate Exec. Docs.*, 50th Congress, 1st session.)

15. What pernicious legislative methods appear in connection with congressional river and harbor bills, pension legislation, appropriations for post-offices and other federal buildings?

16. Mention as many important instances as you can in which executive influence was an important factor in legislation under Presidents Cleveland, Roosevelt, Taft, and Wilson.

17. President Coolidge and congressional legislation, 1923–24.

18. Compare the conception of the proper relations of the governor to the state legislature as illustrated in the methods of Governors Hughes, Dix, Miller, and Smith, of New York; Governor Baldwin, of Connecticut; Governor Wilson, of New Jersey; and Governor Harmon, of Ohio.

19. What important state legislation has been brought about largely through the influence of recent governors, notably Governors La Follette, of Wisconsin; Wilson, of New Jersey; Harmon, of Ohio; Johnson, of California; Lowden, of Illinois, and Smith, of New York?

20. Give as many instances as you can in which mayors of important cities have been largely instrumental in bringing about desirable, and preventing undesirable, municipal legislation.

21. The effect of national parties upon state parties and state politics. (See Bryce, Lowell.)

22. Give concrete illustrations of the way in which minorities have been able to influence important legislation, especially in Congress.

23. Give all the instances you can, in recent years, when organized public opinion has compelled the abandonment or the enactment of important state and congressional legislation.

24. Explain how and why the minority party in state legislatures and municipal councils often works in harmony with the dominant party or "organization." (See Reinsch, Bryce.)

25. Criticisms of the "tyranny" of the modern congressional caucus. (See Beard's *Readings*, quoting the *Congressional Record*, and Haines.)

26. The origin of the practice of gerrymandering, and early instances of its use. (See Griffin, Griffith.)

27. The Wisconsin gerrymander of 1891. (See Commons and *Rev. of Rev.*)

28. The New York apportionment fight of 1905.

29. Corruption in Southern state legislatures during the period of "carpet-bag and negro rule." (See Fleming's *Documentary History of Reconstruction*, II, and various monographs on Reconstruction.)

30. The selling of nominations to West Point by congressmen in the Reconstruction period.

31. Recent disclosures of corruption in the legislatures of New York and other states in connection with legislation. (See Gardenshire.)

32. The Mormon church in its relations to state and national politics.

33. Speaker James G. Blaine and the Little Rock and Fort Smith affair, 1871–76. (See Rhodes.)

34. The Crédit Mobilier scandal in Congress in 1867–73.

35. The contest in the Pennsylvania legislature of 1913 over changes in the rules and the method of appointing committees.

36. The Senate investigation of the tariff lobby in 1913, 63d Congress, 1st session.

37. Governor James Cox, of Ohio, and his influence upon Ohio legislation (1913–14).

38. Appropriation legislation for charitable and educational institutions in Pennsylvania. (See Fleischer.)

39. What is to be said in favor of restricting the powers of the house committee on rules in Congress? (See Haines.)

40. Discuss the important riders attached to appropriation bills during President Wilson's administration. (See Haines.)

41. The work of the Democratic house caucus in the 62d and 63d Congresses (1911–15), especially in connection with the tariff, currency, and trust legislation. (See Haines.)

42. What arguments are advanced for and against full publicity for all congressional committee and caucus proceedings, and for the recording of votes in committee of the whole?

43. In what ways has the franking privilege been abused by members of Congress?

44. Prepare a report upon the organization, methods, and work of some recent state legislature.

45. The influence of Governor Pinchot upon recent legislation in Pennsylvania.

46. How many and what different kinds of organizations have been maintaining lobbyists in Washington in the past few years?

47. Report on the contest over proposed changes in the house rules at the opening of the 68th Congress, December, 1923–January, 1924.

48. What other important changes in the house rules were urged at this time but not adopted. (See *Searchlight on Congress.*)

49. Recent proposed congressional investigations that were suppressed by the house committee on rules. (See *The Searchlight.*)

50. The Tea Pot Dome oil-lease investigation in the 68th Congress.

51. Congressional investigation (1924) of the department of justice under the administration of Attorney-General Daugherty.

52. Prepare a report on the Rhode Island senatorial deadlock, 1923–24.

53. What subjects are included in the legislative programme of the Women's Joint Congressional Committee? (See *Congressional Digest*, III, 153–158 (1924).

54. How may the legislative rules in your own state be amended?

CHAPTER XX

REMEDIES FOR LEGISLATIVE EVILS. IMMUNITY LAWS. ANTI-LOBBYING LAWS. LEGISLATIVE REFERENCE LIBRARIES. VOTERS' LEAGUES. THE INITIATIVE AND REFERENDUM

SEVERAL remedies for evil practices found in legislative bodies have been at least suggested in the preceding chapters, and these need only to be summarized at this point.

Constitutional Limitations.

(1) Practically every state constitution adopted since the early part of the past century has reflected the wide-spread distrust of state legislatures in the limitations placed upon either the duration or frequency of legislative sessions, or both; in prohibiting the enactment of special and local legislation; and in provisions designed to guard against surprise and insure deliberation and publicity in the enactment of legislation.[1] Many other constitutional restrictions on legislatures also reflect the unfortunate experiences of bygone days. Some of these limitations, as we have seen, are commonly disregarded in practice, and others have served their purpose and have outlived their usefulness; or else are futile because easily evaded, or because they do not go to the root of evils they were designed to eradicate.

Reforms in Structure, Organization, and Procedure.

(2) For evils that are traceable to defects in the structure, internal organization, and procedure of legislative bodies, numerous remedies have been proposed from time to time; for example, the substitution of smaller, single-chambered legislatures for the present large, unwieldy, bicameral system.[2] The adoption of certain changes in the committee system not only is highly desirable but essential to the more efficient handling of legislative business; for example, the substitution of a system

[1] See P. S. Reinsch, *American Legislature and Legislative Methods*, 129–130. Beard and Shultz, *Documents on the State-Wide Initiative, Referendum and Recall*, 3–12.

[2] See G. H. Hodges, "Distrust of State Legislatures; the Cause, the Remedy," in J. T. Young's *The New American Government and Its Work*

of joint committees for the almost universal dual committee system; a reduction in the number and size of most committees; the election of committee chairmen by members of each committee; discarding the seniority rule in the selection of committee chairmen;[1] the selection of committee clerks by civil service methods, instead of on a basis of personal or political favoritism; the publication of, and strict adherence to, a regular schedule of committee sessions, together with the systematic preparation and publication of calendars of measures referred to each committee; publicity for all committee and caucus sessions, and the publication of the record of all business transacted or votes taken in such sessions. There should also be changes in legislative rules making it easier to discharge committees or to compel them to report upon matters that have been in their hands a reasonable length of time. In numerous other respects the legislative rules nearly everywhere need to be revamped with an eye single to the prompt, efficient, and orderly handling of legislative business. To this end, it is essential that both congressional and legislative rules should be made more easily amendable.

Electrical Voting.

The enormous amount of time now consumed in roll-calls, especially in the lower branch of Congress, could be avoided by the installation of electrical-voting devices. It is a reflection upon the interest of Congress and state legislatures in promoting efficient methods of procedure that, in a country distinguished above all others for the number and variety of its mechanical inventions, thus far only three states have installed electrical-voting systems; and even these states have done so only within the past nine or ten years.[2] Congress continues to consume about forty-five minutes per roll-call.

(1915), pp. 643 ff.; National Municipal League, *A Model State Constitution* (1921), §§ 13–32, Ogg and Ray, *Introduction to American Government*, 574–579.

[1] This is an especially serious defect in congressional organization.

[2] Wisconsin, 1915; Iowa, 1919; and Texas, 1922. The Illinois legislature of 1923 authorized the installation of such a system before the meeting of the next (1925) session.

Finally, in order to minimize the evil of partisan decisions in contested election cases affecting members of legislative bodies, such controversies should all be referred to some impartial tribunal, like the ordinary courts, to investigate and make recommendations, based upon the law and the evidence, for the guidance of the body concerned. Such a practice has long prevailed in the English House of Commons, and it is probable that any legislative body in this country could adopt the same method by simple legislative action or by legislative rules, without the necessity for any constitutional amendment.

Contested Elections.

(3) In order to make legislative bodies more broadly representative of all important currents of political opinion, some system of proportional representation is being advocated for the election of city councilmen, members of the state legislature, and even for the election of representatives in Congress. The system, as we have already seen,[1] has been widely adopted in European and other countries, and is slowly making headway in this country in the field of municipal government.[2]

Proportional Representation.

(4) Power conferred upon the president, governor, or mayor to veto separate items in appropriation bills might be, and in some states has proved to be, an effective means of checking legislative extravagance. On the other hand, there is a constant temptation for the city council or legislature to curry favor with various interests and constituencies by voting large appropriations for wards, districts, or institutions and throwing upon the mayor or governor the responsibility for the veto or reduction of the amounts thus appropriated. The possibility also of the misuse of this veto power by unscrupulous executives has already been mentioned.[3]

Veto of Specific Appropriations.

Another possible check upon congressional extravagance is

[1] Chap. XIII.

[2] It is also included in the *Model State Constitution*, drafted by the National Municipal League, for the election of the reorganized legislature. See also Ogg and Ray, *Introduction to American Government*, 585–587.

[3] Chap. XIX.

embodied in the suggestion called "the local co-operating plan." According to this plan, federal appropriations for public works or buildings, usually included in the term "pork-barrel legislation," should be proportioned to the willingness of the community deriving the main advantage therefrom to contribute a reasonable amount, perhaps one-tenth, toward the cost of such enterprises. It is claimed that this plan "would provide the necessary balance-wheel of economy by transferring to public finance the well-known rule of organized benevolence—to help those who are trying to help themselves." [1]

"Local Co-operating" Plan.

The rapid spread recently of the movement for budgetary reform in state and national governments has, in numerous instances, also served as a valuable check to legislative extravagance and waste. But the mistake must not be made of regarding budgetary reform, even the adoption of the responsible-executive type of budget, as a guarantee against legislative raids upon the public treasury. Unless the executive has the right and the courage to veto separate items in appropriation bills the results of budgetary reform are likely to prove very disappointing.

Budgetary Reform.

(5) Bribery of legislators could be materially reduced, if not extirpated, by the adoption of so-called "immunity statutes," which free from punishment the party to a bribery transaction who confesses and furnishes evidence for the conviction of the other party or parties. At present the laws of most states hold the bribe-giver and the bribe-taker equally guilty, and are ineffective. Bribery is essentially a crime of darkness; only two persons, as a rule, have knowledge of it, the bribe-giver and the bribe-taker. Ordinarily, there are no disinterested witnesses of the transaction. The parties arrange to meet in secret and in secret arrange the details of their agreement. They are careful to leave no record or memorandum which might be made the basis of prosecution. Being equally guilty, both have the strongest motive for con-

"Immunity" Statutes.

[1] A. P. Stokes, Jr., *Harper's Weekly*, LVII, March 22, 1913, p. 9. See also *World's Work*, XXXII, 607 (1916).

cealing the crime. For either to disclose the transaction may result in his own prosecution and the escape of the other equally guilty party. Thus the punishment of these and similar offenses has often been placed practically beyond the power of the law. In order to meet this situation, immunity laws have been enacted in a few states. To the objection that it is unjust that the bribe-giver should be permitted to go free while the bribe-taker is punished, or *vice versa*, the reply is that it is better to have one of two guilty parties given immunity than to permit both to escape prosecution and a most serious crime to go entirely unwhipped of justice.[1]

Better Qualified Legislators.

(6) The most obvious remedy for evils due mainly to the character of legislators and their lack of proper qualifications for law-making consists in the nomination and election of men better qualified by character, training, and practical experience. Increased popular interest in nominations and improvements in nominating methods will tend in this direction. Under widely varying names, the municipal voters' leagues and the legislative voters' leagues, mentioned later in this chapter, are performing a valuable service in promoting the election of better qualified persons to city councils and state legislatures by collecting and publishing, for the enlightenment of voters, the facts concerning the qualifications and public record of candidates for these offices.

Legislative Reference Libraries.

(7) To supplement, in some measure at least, the lack of training and experience for legislative work, legislative reference libraries and bill-drafting bureaus have been established within the past few years in the great majority of the states, as a sort of "first aid" to inexperienced lawmakers.

This experiment was first successfully tried in Wisconsin. Some years ago the legislature of that state voted a small ap-

[1] F. E. McGovern, Am. Pol. Sci. Assn. *Proceedings*, IV, 266 (1907). "We make a statute declaring that the bribe-taker shall be punished as a felon . . . in the same rule provision is made that the man who offers the bribe shall also be a felon, and thereby we wipe out the only available witness to the transaction." M. Gardenshire, *No. Am. Rev.*, CXCI, 485 (1910).

propriation for a legislative reference library, and a man thoroughly trained in history, economics, and politics was put in charge. With a small expenditure of money he rapidly gathered a valuable collection of reports, bills, and laws—catalogued and indexed so as to be at all times readily available. When the legislature convened, the librarian was ready to give every member impartial service and reliable information. No matter what subject a member might be interested in, or what bill he might be desirous of introducing or combating, the librarian was able quickly to furnish information as to what other states had done, how such legislative experiments had succeeded, and how to frame his own proposals. Bills were drafted for members at their request, and they were given hints on important points of practice, and even arguments were prepared for them if they so desired. Unwearied service, universal helpfulness, impartial and tactful dealing with any public question brought up, enabled the expert to give the members exactly what they needed, to furnish them a place where they could go in the fullest confidence that the best sort of information and assistance which any effort could secure would be supplied to them. "The result has been most gratifying. Already, long before the session begins, inquiries commence to pour in asking for information concerning legislative precedents, conditions in this and other states, the feasibility and constitutionality of laws, etc. Throughout the session the expert and all his assistants are working at red heat, keeping abreast with the endless and exacting demands made upon them. The members of the legislature, having an unpolluted source of information at their command, gain self-reliance and confidence; they are able to meet the pleader for special interests with strong arguments drawn from their independent armory. Some of the experienced legislative counsel who appeared before this legislature declared they had never come before a body of men so well informed and so keen in their insight, and yet no more than good average representatives of the people of the state. Moreover, seeing the bearing of the questions with which they were dealing, not confused

The Wisconsin Experiment.

by half-understood arguments, the members have taken an increased interest in the work before them." [1]

Institutions performing similar functions are now in successful operation in more than half the states of the Union, and in 1915 Congress appropriated $25,000 for the establishment of a legislative reference division in connection with the Library of Congress. The librarian of Congress is directed by law "to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and members thereof." [2]

Bill-drafting may be, and often is, a part of the regular work of legislative reference libraries, as we have just seen to be the case in Wisconsin. In other states, however, this work is often assigned to a distinct bureau. In either case the purpose of bill-drafting bureaus is, as the name suggests, to assist legislators in putting their ideas as to legislation into proper technical form for enactment into law. Every member of the legislature, where such institutions exist, is privileged to avail himself of the assistance of these expert bill-drafters, and of the resources of the legislative reference library, as much as he likes. For the successful operation of bill-drafting bureaus—and the same is no less true of reference libraries—it is essential that adequate salaries be paid the members of the staff, that they be appointed only after examinations thoroughly testing their ability, and that their positions be permanent and entirely free from any taint of the spoils system or partisanship.

Bill-Drafting.

(8) More effective methods of enlightening the public concerning legislative proceedings, and of bringing public opinion to bear upon legislative bodies, have done much in some states to defeat pernicious legislation and to prevent the re-election of corrupt or inefficient members; also to bring about the enactment of much desirable legislation. Only a beginning of really effective work in this

Voters' Leagues.

[1] Reinsch, 296–297.

[2] See *Am. Pol. Sci. Rev.*, IX, 542 (1915).

direction has been made. The most noteworthy examples are to be found in the work of the Massachusetts Civic League, the committee on legislation of the Citizens' Union of New York City, and the Legislative Voters' League in Illinois. Such organizations have been aptly called "the people's lobby." Of such non-partisan organizations, perhaps none is more active than the Illinois Legislative Voters' League. Its objects are the promotion of good government through the agency of the legislature: "(1) by assisting the public to form a correct judgment concerning the work and character of the members of the legislature; (2) by aiding in the nomination and election of desirable legislators, and in retaining their service as long as possible; (3) by furnishing the public and members of the legislature with exact information concerning the scope and purpose of proposed legislation." In furtherance of these objects the League issues weekly during legislative sessions *The Assembly Bulletin*, giving the public information relating to the principal happenings. Shortly after the session ends, another *Bulletin* summarizes at some length the work of the session, and gives the record of each member upon the most important bills and resolutions. Again, just before each primary and election, other *Bulletins* are published stating the facts respecting the personal qualifications and public record of those who are candidates for nomination or election. The League is sustained wholly by voluntary financial contributions.[1]

The activities of the organizations just described are confined to the field of state and municipal politics. The success which has attended their work doubtless had something to do with the recent organization of a similar clearing-house of information about congressional legislation. In December, 1920, the People's Legislative Service was organized in Washington, D. C., to operate under the direction of an executive committee of which Senator LaFollette is chairman, in co-operation with a National Council.[2] On this

Peoples' Legislative Service.

[1] For a few years recently the National Voters' League functioned in much the same manner with respect to Congress.

[2] The executive secretary is Henry R. Mussey, 605 Fendall Building, Washington, D. C.; and the director is Basil M. Manly.

executive committee are representatives of "labor organizations, progressive farm organizations, and leaders of liberal opinion." The avowed purposes of this People's Service may readily be seen from the formal declaration adopted by the executive committee, which reads as follows:

> Bad legislation is due chiefly to lack of information on the part of members of Congress and the public, and to jokers hidden away in bills or to obscure passages attributable to clumsy drafting. Many errors of legislation result from the intense pressure of public duties, which deprives members of Congress of the opportunity to inform themselves adequately upon pending measures.
>
> Selfish interests are organized and ever diligent in pressing their arguments in favor of the measures in which they are concerned. Their lobbyists hide away vicious jokers in bills which upon their face are worthy. Crooked selfish interests—clumsy draftsmen—desperately busy congressmen—result: bad legislation.
>
> It is the purpose of the People's Legislative Service to remedy these evils by providing members of Congress and others concerned with full information as to pending measures, by pointing out faulty provisions, obvious and secret, and by presenting the facts in support of measures designed for the public welfare. This work we undertake to perform without regard to partisan considerations or special interests, and with an eye single to the good of the whole people.

The agency mainly relied upon to prepare the information just referred to is a bureau of research under the control of the executive committee, and operating in three divisions: (*a*) the legislative division, which analyzes and keeps watch over all pending legislation "so as to warn those concerned of all jokers and parliamentary stratagems"; (*b*) the statistical division, which compiles the information required by members of Congress "so that they may make an effective fight for the people's interests on the floor of both houses and in committee"; and (*c*) the publicity division, whose business is "to keep the people informed regarding pending legislation."

(9) For the evil of the gerrymander, publicity seems just at present to be the most practicable remedy. If the non-partisan press and organizations working for clean politics would under-

take a campaign of education while apportionment acts are pending in the various state legislatures; if they would bring before the eyes of the voters maps of the districts, present and proposed, calling attention to obvious examples of gerrymander and significant majorities—in other words, if the great mass of intelligent, honest voters could once be made to understand how they are tricked—the legislators would be likely to hesitate long before indulging in this sort of partisan legislation.[1] The most effective remedy would be to abandon the single-member district for the election of members of legislatures and Congress, and to elect members of these bodies from a comparatively few larger districts, each choosing from five to ten members perhaps, under a system of proportional representation, as explained in an earlier chapter.[2] So long, however, as representation in legislative bodies is based upon single-member districts created by legislative act, with plurality elections, we shall probably not be wholly free from the evils of the gerrymander.

Publicity.

(10) To curb the evils of lobbying and at the same time give a legal status to permissible lobbying, the legislatures of a few states[3] have adopted more or less ineffective "anti-lobbying" laws or rules. Their main features may be summarized as follows: All persons lobbying in the interest of individuals, private associations, or corporations are divided into two classes—legislative counsel and legislative agents. Those classed as legislative counsel include persons employed to appear at public hearings before committees for the purpose of making arguments or examining witnesses, and those who act as legal advisers in relation to legislation. The second class includes all others who endeavor to promote or defeat legislation through personal appeals to legislators. Before acting in either capacity a lobbyist is required to file a written authorization to act, and also to enter in a register or docket open to public inspection his own name, address, occupation, date and length of em-

Anti-Lobbying Laws or Regulations.

[1] H. C. Griffin, *Outlook*, XCVII, 193 (1911).

[2] See Chap. XIII.

[3] *E. g.*, Massachusetts, Wisconsin, and Kansas.

ployment, the name of his employer, and the subjects of legislation to which his employment relates. Within thirty days after the final adjournment of the legislature every person, corporation, or association employing legislative agents of either class is required to file a sworn statement of expenses with the secretary of state or other designated official. Municipalities and other public corporations are exempted from these provisions. Employment for compensation contingent upon success is not permitted. The Wisconsin law of 1905 specifically makes it unlawful for any legislative counsel or agent to attempt to influence any legislator personally and directly otherwise than by appearing before the regular committees, or by newspaper publications, or by public addresses, or by written or printed statements, arguments, or briefs delivered to each member of the legislature.[1]

Direct Legislation.

(11) Last, but by no means least, among the numerous remedies for legislative evils is the system of direct legislation, commonly known as the initiative and referendum. Where they exist, it is possible for the people to obtain a law by their own direct action under the initiative; or, when the legislature has passed a law that meets popular disapproval, the electorate may veto it by means of the referendum. Since South Dakota, in 1898, adopted the initiative and referendum for ordinary state legislation,[2] eighteen other states have taken a similar step, the last one to do so being Massachusetts, in 1918. In Idaho, the necessary legislation to make effective the constitutional amendment of 1912, authorizing the initiative and referendum, has never been enacted, so the system is not in actual operation there. Maryland and New Mexico have only the referendum. In many other states the initiative and referendum may be applied to the enactment of municipal ordinances;

Extent.

[1] Reinsch, 294; *Nation*, LXXXI, 206 (1900).

[2] The Socialists believe the adoption of the initiative and referendum in connection with national legislation would serve to remedy many of the evils connected with congressional lawmaking. See Socialist platform for 1916.

and the referendum is almost universally resorted to for the ratification of state constitutional amendments,[1] and almost as commonly for the approval of bond issues, both local and state.

Although Oregon and California are the states in which the initiative and referendum have been given the most extended trial, the movement for their adoption is not confined to any particular section of the country, nor to states dominated by any one political party; in other words, it is neither sectional nor partisan.

Briefly defined, the *initiative* is a scheme whereby a small percentage of the voters may draft a bill and secure its adoption upon ratification by popular vote; and "the *referendum* is the plan whereby a small percentage of the voters may require the reference of any act of the legislature to the electorate for approval or rejection."[2] The referendum thus enables the people to *veto* undesired legislation, while the initiative enables the people to *enact* desired legislation.

Definition.

From this definition it will be seen that the initiative and referendum, as remedies for legislative evils, are complementary. Alone, the referendum affords a *check* upon legislative action

[1] The use of the initiative and referendum for constitutional amendments is authorized in fourteen states; in most of the other states proposed amendments originating with the legislature or a constitutional convention must be submitted to a popular referendum. This is called the constitutional initiative and referendum to distinguish it from the statutory initiative and referendum used in connection with the enactment of state laws. Only the latter is discussed in this chapter; practically the same arguments, however, hold true for the initiative and referendum when applied to city ordinances.

The states having the statutory initiative and referendum are as follows: South Dakota (1898), Utah (1900–1917); Oregon (1902), Nevada (1904), Montana (1906), Oklahoma (1907), Maine (1908), Missouri (1908), Michigan (1908), Arkansas (1910), Colorado (1910), California (1911), New Mexico (1911), Arizona (1911), Idaho (1912), Ohio (1912), Nebraska (1912), Washington (1912), North Dakota (1914), Maryland (1915), Massachusetts (1918). Mississippi adopted the system in 1914 but in 1923 the supreme court of that state declared it invalid. Of these states all but six (Maryand, Maine, Montana, South Dakota, Utah, and Washington) also have the constitutional initiative and referendum.

[2] Beard and Shultz's *Documents*, 20.

but does not provide for *positive* action by the people. It is in effect a popular veto—a further course which bills must take before becoming laws. The referendum may stand alone; but the initiative cannot stand alone. To be effective, it must be combined with the referendum, otherwise there would be no improvement upon the practice existing at the present time whereby bills privately drafted are introduced into a legislature "by request." With the initiative, the people have the power not only to originate a bill, but they have, what is far more important, the power to bring about its adoption by a direct popular vote. Together the initiative and referendum constitute what is called "direct legislation," because where they exist the people may themselves enact laws *directly* without the necessity of acting *indirectly* through representatives.[1]

Two Purposes of Direct Legislation.

At the outset it is important to distinguish two distinct purposes of the system of direct legislation. One class of advocates declare that its principal function is "to educate the voters that they are part and parcel of the government to which they pay tax tribute; that the laws under which they live and move are the creatures of their volition, not of a higher power to which they are subordinate." Others, holding a different conception, insist that direct legislation is but another *check* upon representative government. "Its function under this view is to prevent misrepresentation; to make possible the passage of laws which the legislature has refused to enact, despite a public demand therefor; and to enable voters to place their composite veto on measures which have been written on the books in defiance of the popular will. The education of the electorate in governmental action is an *incident* of the use of the initiative and referendum, not their primary purpose; and the success of the initiative and referendum in any state is in inverse proportion to the number of initiated and referred measures. If few laws need to be initiated and referred, the legislature is rep-

[1] J. B. Sanborn, *Pol. Sci. Quar.*, XXIII, 587 (1908). See E. P. Oberholtzer, *The Referendum in America* (new edition, 1912), Ch. XV.

resenting the electorate; and the initiative and referendum are accomplishing their highest purpose if they inspire in legislators a wholesome respect for the power of public opinion." [1] It is with the latter function in mind that the initiative and referendum will be discussed in this chapter.

Optional and Mandatory Referendum.

A referendum may be either optional or obligatory. When the legislature either desires to obtain an expression of popular sentiment upon a pending measure or is unwilling to assume full responsibility therefor, it may provide that the measure shall not go into effect until ratified by the people at an election; or else different districts or counties are left free to determine by popular vote whether a certain law shall apply to a particular district or county. This is called an optional referendum. The obligatory or mandatory referendum does not depend upon the will of the legislature. Where it exists, legal provision is made for suspending for a certain time—usually ninety days from their passage—all ordinary legislative enactments. During that period the people have an opportunity to scrutinize the work of their legislature. If a stated percentage of them agree that a certain act is undesirable, they can, by filing a petition, prevent that act from taking effect until it has been submitted to the people and ratified by popular vote. Excepted from the operation of the obligatory referendum are certain acts designated as "emergency measures." [2] Unless otherwise indicated, it is always the obligatory or mandatory referendum that is referred to in discussions of the initiative and referendum as remedies for legislative evils.

The *initiative* may be invoked when the legislature, for any

[1] W. A. Schnader, *Am. Pol. Sci. Rev.*, X, 516 (1916).

[2] Some legislatures have shown a disposition to avoid the possibility of a referendum by inserting in bills a clause declaring them to be emergency measures, when clearly no emergency existed. In South Dakota, for example, between 1899 and 1909, of 1,251 acts passed by the legislature 537 contained emergency clauses. A similar abuse in Oregon led to the adoption of a constitutional amendment in 1921 authorizing the governor to veto the emergency clause in any measure, and thus afford an opportunity for a referendum.

reason, has failed to pass measures believed to be for the public interest. In such a case a citizen, or a group of citizens, may, with or without the advice of lawyers, draw up a bill which in their judgment meets the situation satisfactorily. Having done this, the next step is to obtain the signatures of the necessary percentage of voters to a petition requesting the enactment of this bill into law. This petition having been filed with the proper authority, one of two courses is provided by initiative and referendum statutes. In some states, the bill may be presented to the legislature for its action either at the next regular session or at a special session. If the legislature enacts the bill, it becomes a law without the necessity of a referendum, although voters who disapprove may invoke a referendum after passage by the legislature. In most states the legislature is not permitted to amend bills submitted to it under the initiative. In case the legislature refuses or neglects to pass the bill, it is automatically referred to the people and becomes a law if approved by the required vote. To this method the name "indirect initiative" is applied. The other course, called the "direct initiative," requires the submission of the bill to the people directly at the next election without preliminary submission to the legislature.[1]

Procedure Under the Initiative.

Generally the statutory initiative and referendum may be applied to any subject of legislation not prohibited by the federal or state constitutions. But Massachusetts has withdrawn from the operation of both the constitutional and the statutory initiative and referendum a long list of subjects relating mainly to the courts and to the fundamental civil rights of citizens.[2]

[1] In states having the initiative and referendum the governor has no veto upon legislation enacted directly by the people. For variations in the application and scope of initiative and referendum statutes, see Beard and Shultz, *Documents*, 20–21; G. H. Haynes, *The Initiative and Referendum*, (1917); Illinois Constitutional Convention *Bulletin*, No. 2 (1920); W. F. Dodd, *State Government* (1922), Ch. XIX.

[2] See G. H. Haynes, "How Massachusetts Adopted the Initiative and Referendum," *Pol. Sci. Quar.*, XXXIV, 454–475 (1919); Ogg and Ray, *Introduction to American Government*, Chs. XXXIV, XXXVI.

The principal claims made on behalf of the initiative and referendum can only be briefly summarized here.

Advantages of Direct Legislation: An Additional Check on the Legislature.

(1) The system unquestionably gives the electorate an affirmative and negative check upon the legislature, the need of which has long been felt in many states, especially in those in which political machines or special interests have for years been dominant.

(2) Under the referendum the worst forms of lobbying and the obtaining of special favors through legislation can be very largely eliminated, and at the same time the character of our legislative bodies improved.

Lobbying and Special Legislation Diminished.

Special favors through legislation are usually obtained as a result of the pressure exerted by the lobby, a pressure which is so concentrated upon a comparatively few members as to be irresistible. Such concentrated pressure exists simply because, in the absence of the referendum, the decision of the legislature is final; and this finality imparts a commercial value to legislative decisions. If the people could always demand a referendum, legislative acts, being no longer final, would soon lose their commercial value; and any pressure of special interests upon the electorate would necessarily be so diffused as to lose the irresistible force it has when concentrated upon members of the legislature. As a result, the corrupt lobby would largely disappear and legislative bodies would once more become deliberative assemblies in which it would be a pleasure for men of intelligence and conscience to sit.[1] Furthermore, "hold-up" or blackmailing bills would largely cease to trouble, since the corporations affected can appeal to the people with the assurance that public opinion will not approve legislation of that character.[2]

(3) The initiative and referendum possess great educational value because they permit "one section of the people most interested in some law to propose that law, force a public discus-

[1] *Senate Documents*, 55th Congress, 2d session, XXVI, No. 340, p. 13.
[2] J. Bourne, Jr., *Atlantic Monthly*, CIX, 125 (1912).

sion and consideration by every voter, not on the character and promises of some candidate for office, but on a definite and real measure." [1] It is the pronounced opinion of one thoroughly familiar with the operation of the initiative and referendum in Oregon, where the system has had the most complete trial, that, "on the whole, laws enacted by the people are more carefully prepared, more widely discussed, and more thoroughly considered than are the acts of a legislature." [2]

Educative Value.

This result is largely attributed to the wise provisions in the Oregon law guaranteeing ample publicity for measures, and providing for the education of the voters with respect to the merits and defects of proposed legislation. To illustrate, a bill privately initiated must be filed not less than four months before the day of election. Before this, the measure secures publicity through the requirement that the substance of the bill must be printed on the petitions which are circulated for signature asking for the referendum of the measure. Education of the voters is provided for by a publicity pamphlet prepared by the secretary of state and mailed to every voter at least fifty-five days before the election. This pamphlet contains full copies of the bills to be voted upon, the title and number of each as it will appear on the official ballot, together with arguments for and against each measure furnished by those who are sufficiently interested to be willing to pay the bare cost of paper and printing.[3] No such opportunity for the study of legislation, it is claimed, is afforded either to the members of

Publicity Pamphlets.

[1] See *Encyclopedia of Social Reform*, 497–500.

[2] J. Bourne, Jr., *op. cit.* In California "the educational value of these instruments has been untold. During the election campaign thousands of organizations studied these [initiative and referendum] measures with the deepest interest and intelligence. In fact, this more than anything else is driving out the old crowd consciousness which the boss so mercilessly exploited, and is putting in its place a group consciousness with an independent will of its own." R. L. Buell, "Democracy in California," *Outlook*, CXXIX 178–179 (1921). It is only fair to add that there are many intelligent people in California who would not subscribe to the view just quoted.

[3] G. H. Haynes, *Pol. Sci. Quar.*, XXII, 484 (1907).

the legislature or to the people of a state where the initiative and referendum do not exist.[1]

(4) As the people have to understand the laws thus referred to them, there is every incentive to make the laws simple, direct, and easily intelligible in their provisions. When it is known that a bill must be enacted or rejected exactly as drawn, "the framers of measures will spend weeks and months in studying the subject and writing the bill in order to have it free from unsatisfactory features," and expressed in language readily comprehended by citizens of average intelligence.[2]

More Intelligible Statutes.

(5) In at least one respect the initiative and referendum tend to simplify and clarify the voter's task. Under our present system of choosing representatives to make our laws, the character and personality of candidates and the necessity of party success are kept constantly before the voters. We are never quite certain what sort of legislation will be enacted by the men whom we send to the legislature or the city council, or to Congress, for in comparatively few cases are candidates pledged to vote for a definite measure. Even when they are so pledged, there is no assurance that a good representative will remain good after he is elected and redeem his pre-election promises. Under the initiative and referendum, on the other hand, a definite measure is submitted to the voter for his approval or disapproval. He can decide whether or not he wishes this particular law without regard to the character and promises of candidates and the importance of party success.

The Voter's Task Simplified.

The essentially radical nature[3] of the initiative and referen-

[1] J. Bourne, Jr., *op. cit.* Similar publicity pamphlets are also issued in Arizona, California, Massachusetts, Montana, Nebraska, Ohio, Oklahoma, North Dakota, and Washington.

[2] *Ibid.*

[3] Although the initiative and referendum are usually strongly opposed by the conservative classes and interests when their adoption is under consideration, there are numerous instances when conservatives have been glad to avail themselves of these new checks upon the state legislature. In North Dakota in 1919, for example, the referendum was invoked by the conservative element, represented by the Independent Voters' Association, against

dum as remedies for legislative evils has evoked very strong opposition to their introduction and has sharpened the vision of hostile critics. Those who oppose the introduction of the initiative and referendum may be grouped into the following six classes: Those who do not understand, or else misconceive, the nature and workings of the initiative and referendum as now employed in the United States; those who think that our principal legislative evils are due to indifference on the part of the voters in selecting state and municipal officers and the lack of minority representation in legislative bodies; those who think that direct legislation will interfere with the dignity and usefulness of the legislature, even if it does not go further and destroy our representative system of government with its checks and balances; those who distrust the people, and really believe that the people are not fit to govern themselves, and those who dislike popular government; the ultra-conservatives, who by reason of temperament or interest object to radical changes of any kind—those who are satisfied with the institutions their fathers had, who regard it as disrespectful to presume to improve upon their methods,[1] those whose personal schemes will be upset by the referendum—the predatory rich, who want franchises, special privileges, "jobs," grafts, etc., and who believe that it is easier to get these from a representative legislature than from the people, and of course the professional classes dependent upon this class.[2]

Opponents of Direct Legislation.

The main objections to, or criticisms of, the initiative and referendum may be summarized as follows: (1) At first it was claimed that direct legislation is inconsistent with the continu-

seven measures passed by the legislature controlled by the Non-Partisan League. Nevertheless, these measures all received overwhelming approval at the polls. A. Ramsey, *Nat. Mun. Rev.*, IX, 146 (1920). See also J. King, *The American Voter as a Lawmaker* (pamphlet, 1923).

[1] It is interesting to note in this connection that in 1922 the great majority of referred laws which attempted to introduce changes in the structure or processes of government and political action *originated with the legislature*; only three out of forty-three such measures originated under the popular initiative. J. King, *The American Voter as a Lawmaker* (1923).

[2] F. Parsons, *Senate Documents*, 55th Congress, 3d session, XXVI, No. 340, p. 143; *Encylopedia of Social Reform.*

ance of a republican form of government, which, by the federal constitution, Congress is bound to guarantee to every state. This contention has been set at rest by a decision of the Supreme Court of the United States in a case arising in Oregon, which in effect established the constitutionality of the system.[1]

Objections to Direct Legislation: Unconstitutionality.

(2) The continued existence of the American principle of separate and co-ordinate departments of government would be undermined by direct participation of the people in legislation. The veto of the executive would be rendered ineffective; the function of our supreme courts to pass on the constitutionality of statutes would be destroyed and the whole fabric of checks and balances would be distorted.[2]

Impairs the System of Checks and Balances.

To this line of argument the reply is made that the initiative and referendum system is everywhere in this country an alternative system. No attempt is made to abolish lawmaking by the representative legislature, but only to supplement it and to provide a wholesome check thereon. Moreover, a study of the history of the initiative and referendum in those states where it has been in vogue shows that representative government is not destroyed. In most states the system has been invoked with relative infrequency, but remains in abeyance, to be used whenever any considerable portion of the voters think that the legislature has failed to do its duty. Even where resorted to most frequently, as in Oregon and California, the legislature has by no means been abolished or even set on the way to destruction; and the functions of the other co-ordinate branches of the government likewise continue substantially unimpaired.[3]

The Reply.

(3) The system of direct legislation tends to lower the calibre

[1] Pacific States Telephone and Telegraph Co. *v.* The State of Oregon, 223 U. S., 118 (1912).

[2] W. R. Peabody, *Pol. Sci. Quar.*, XX, 493 (1905); S. W. McCall, *Atlantic Monthly*, CVIII, 461 (1911).

[3] Beard and Shultz's *Documents*, 23. Some of the more recent initiative and referendum laws provide for a preliminary testing of the constitutionality of popularly initiated measures.

of legislatures, it is claimed, by weakening the sense of responsibility on the part of the individual member for what is enacted or fails of enactment, since with the initiative and referendum the voters can correct any act of omission or commission on his part.[1]

Impairs Legislative Responsibility.

It may be pointed out, in rebuttal, that this objection seems to ignore the existence of political parties, legislative *esprit de corps*, and the personal pride of individual members. The members of the legislature will continue to be chosen as party candidates, and the party must go before the people mainly on its record or promises respecting legislation. Party necessity, legislative *esprit de corps*, and personal self-interest and ambition will furnish adequate incentives to legislative activity and the assumption of a fair degree of responsibility.[2] Indeed, the vast majority of laws will continue to be enacted by the legislature, for the initiative and referendum are invoked with comparative infrequency.

The Reply.

(4) The referendum may be used, it is claimed, not only against bad laws and those for the benefit of special interests, but also to suspend really desirable legislation until the next election, whenever such a law happens to be opposed by some class that succeeds in getting up the necessary petition for a referendum.[3] Even so, it may be doubted whether the public would be any worse off than when legislatures adjourn without having enacted seriously needed laws. Under such circumstances the people

Good Legislation May be Defeated.

[1] See J. B. Sanborn, *Pol. Sci. Quar.*, XXIII, 602–603 (1908).

[2] It is possible that the initiative and referendum may develop a degree of party responsibility for legislation which is quite unexpected. In Missouri, for example, in 1921 the Democratic state organization petitioned for a referendum on practically all the important measures enacted by the Republican legislature that year. The vote was taken in November, 1922, and resulted in the rejection of all these measures. See *Nat. Mun. Rev.*, X, 438, 575 (1921); XII, 98 (1923).

[3] *Ibid.*, 593. An instance of this occurred a few years ago in South Dakota. Such abuse of the referendum may be partly checked by requiring a considerably larger number of signatures in order to bring about a suspension of a law, pending the referendum, than in the case of a referendum without such suspension. In Massachusetts, for example, 5,000 additional signatures, making a total of 15,000, are required for the suspension of a law.

are compelled to wait until the next session of the legislature, with no positive assurance that the necessary legislation will then be enacted.[1]

Statutes Will Lack Proper Technical Form.

(5) It is predicted that laws originated under the initiative will lack the proper phraseology and technical form best adapted to accomplish their purpose; and that if there are a number of crudely drawn bills relating to the same subject, it will be impossible to combine, eliminate, and amend them.

The Reply.

On the other hand, it may be safely asserted that there is nothing inherent in the plan of initiating legislation by groups of private parties which precludes an expertness in the drafting of measures at least equal to that secured in the average state legislature.[2] It is, of course, conceivable that a group of ignoramuses might draft a legal monstrosity; but in view of the fact that private persons would not initiate bills unless they were deeply interested in the success of their particular measures, there is every reason to suppose that they will employ competent legal assistance. "All that talent and enterprise which is now employed extra-legally in the drafting of bills for legislatures may be drawn upon in the drafting of bills for popular initiation. . . . The technical side of legislation may be handled in practice quite as well under popular initiation as under legislative initiation. . . ."[3] Furthermore, most of the advantages of legislative criticism, discussion, and amendment may be retained if the indirect initiative is adopted. Under such a system all bills are first introduced in the legislature and referred to an appropriate committee, where an opportunity is given supporters and opponents to argue their merits and defects. Such initiated measures will be subject to amendment like other bills, and to debate and criticism in accordance with legislative rules. If such a bill is

[1] Beard and Shultz's *Documents*, 35.

[2] For illustrations of crudely drawn bills originating in a legislature, see G. H. Hodges, "Distrust of State Legislatures," printed in J. T. Young's, *The New American Government and Its Work* (1915), pp. 645–647.

[3] Beard and Shultz, *Documents*, 35.

finally passed in a form satisfactory to the originators, no further action is necessary. In the event of its defeat, or unsatisfactory amendment, the filing of a petition signed by voters will bring the measure, with any amendments desired by the petitioners, directly before the people for final action. "In this way the legislature acts as a co-laborer rather than as a competitor of the people." It performs for the people the same functions that committees are supposed to perform for the legislature itself.[1]

A Poor Index to Public Opinion.

(6) It is objected that the system of direct legislation, at its best, is merely "a calling for the yeas and nays, not for a full expression of opinion." It assumes that voters are ready and able to give an unqualified yes or no to questions of public policy referred to them.

This is merely to say that the initiative and referendum suffer from the same limitations of the ballot as a medium for the expression of public opinion that accompany the popular ratification of constitutional amendments, the popular approval of bond issues, and the popular election of public officials the country over. Upon few amendments or bond proposals submitted for popular approval are intelligent and thoughtful citizens willing to give an unqualified "Yes" or "No" vote; they would much prefer to indicate that they favor the proposal under some circumstances but are opposed to it under others. Similarly, few, if any, candidates for the legislature, for Congress, or for any other public office are unqualifiedly or unreservedly approved by those who vote for them. The popular vote in all such cases merely shows that, *on the whole*, the people favor or are opposed to a given proposition; or that *on the whole* Mr. A. is preferred to Mr. B for a particular office. It is hard to see why popular votes under the statutory initiative and referendum should be regarded as any more imperfect indications of public opinion than popular verdicts upon constitutional amendments or popular choice of public officials.

[1] S. G. Lowrie, *op. cit.* This is substantially the Massachusetts method. In some states the legislature may submit a rival or competing measure, supposedly avoiding the defects in the one proposed under the initiative.

(7) It is objected that the referendum does not arouse sufficient interest on the part of the voters, as shown by the fact that the vote on referenda is usually much smaller than the vote cast at the same election for candidates for public offices. It is further objected that voters who do not understand a proposition submitted to them, instead of voting against it, as is sometimes claimed, will not vote upon it at all, and their mere abstention may result in verdicts that are far from safe and sane.[1]

Indifference of Voters.

This objection loses much of its force, the advocates of direct legislation contend, when it is remembered that this indifference of the voters is frequently found in connection with the referendum of constitutional amendments and even of constitutions themselves; and no one argues that the referendum of such measures should, on that account, be abandoned. A light vote on statutes, as well as on constitutional amendments, may frequently be explained by the comparative unimportance of some subjects; or, in other instances, by the strong probability of their adoption on account of general acceptance. Indeed, the smallness of a vote on referenda may indicate not a lack of interest but a high degree of intelligence on the part of the voters. It often shows that the voters are aware of the fact that they do not know enough about some particular or local matter to warrant their expressing an opinion one way or another. "What does a voter in a lumber camp in the Adirondacks know about the advisability of exempting certain bonds in New York City from the operation of the debt limit? Or what does the voter on West Seventy-second Street in New York City know about the desirability of increasing the number of judges in a judicial district in the western part of the state? It is evident, therefore, that in order to ascertain the significance of popular voting upon referenda every case must be examined on its merits. A general survey shows that for every instance of popular neglect another can be discovered of striking popular interest."[2] Not infre-

The Reply.

[1] G. H. Haynes, *Pol. Sci. Quar.*, XXVI, 49 (1911).
[2] Beard and Shultz's *Documents*, 39.

quently, as shown by the experience of Illinois, the size of the total vote on a referred measure bears a direct relation to the amount of publicity it has received. "Whenever special efforts have been made to enlighten the public . . . the public has responded by giving such propositions a greater amount of consideration than others not so well advertised." [1]

Legislation by Minorities.

(8) Closely related to the foregoing objection is the claim that the system of direct legislation may, by failing to arouse interest on the part of many citizens, often result in the enactment of laws by a minority of the voters.

One has to admit that, theoretically, it is possible for measures to be enacted by interested minorities; and to reduce the likelihood of this, some states, notably Massachusetts and Nebraska, stipulate that referred measures must receive an affirmative vote equal to thirty or thirty-five per cent of the total vote cast at an election. But the objection just noted is based upon the assumption that the restriction of lawmaking to the ordinary legislature is a species of insurance against legislation by minorities; in other words, is a guaranty of majority rule in legislation. As matter of fact, however, it would be difficult to prove that laws passed in the usual way by the state legislature really represent the opinions or desires of a majority of the voters of the state. Indeed, one may safely go so far as to say that many laws passed by legislative majorities are actually favored only by popular minorities.[2]

[1] C. O. Gardner, *Am. Pol. Sci. Rev.*, V, 411 (1911). California affords another illustration of this. Between 1908 and 1915, when no publicity pamphlets were issued, the average vote upon measures submitted to the electorate was 43 per cent of the vote cast at the election. In 1916, when such pamphlets were used, the vote rose to 79 per cent. A. N. Holcombe, *State Government in the United States*, 423; G. H. Haynes, "The Initiative and Referendum," Massachusetts Constitutional Convention *Bulletin*, No. 6, (1917), p. 37. On the size of the vote on referenda in different states, see W. F. Dodd, *State Government*, 530–532; and J. King, *The American Voter as a Lawmaker* (pamphlet 1923).

[2] See W. F. Dodd, *State Government*, 534–536. A greatly exaggerated notion prevails as to the extent to which we have majority rule in this country, in connection with both lawmaking and the election of public of-

(9) Many subjects of legislation, it is asserted, are too abstruse or technical for the mass of voters to pass upon intelligently; to do so would require a thorough knowledge of the subject to which the law relates. The ordinary voter has no time, had he the inclination, for the careful study of legislative measures, which is essential to intelligent voting. With our frequent elections and long ballot he is unable even to form an intelligent opinion of the merits of candidates running for the different elective offices.

Incapacity of the Average Voter.

In rebuttal, it is contended that this argument assumes that legislators give to legislative enactments that careful and thorough study which enables them to vote intelligently upon every measure. But this ideal is seldom, if ever, realized by any legislative body in this country. Any one the least familiar with our state legislatures is aware of the vast amount of unwise, crudely drawn, and ill-considered legislation enacted and of the blind voting of members. If the system of direct legislation provides, as does the Oregon system, a means of giving the voters reliable information concerning the provisions and merits of referenda, there appears to be little reason why the average citizen can not act as intelligently upon legislation as the average legislator.[1]

The Reply.

(10) The referendum tends to place the emphasis at the wrong end of legislative work. If we elect good men to the legislature, the need of checks of this kind will largely pass away. The fact that legislators are sometimes named and controlled by bosses is not the result of any defect in our legislative system but of public indifference. If this indifference continues, we cannot expect the initiative and referendum to succeed. When the public takes an interest in the work of the legislature, it will take an

Direct Legislation Futile.

ficials. Seldom is a majority of the popular vote required; a mere plurality is generally sufficient to elect. Thus, in three-cornered contests, the winning candidates are often the choice of only a minority of the voters.

[1] On the experience of Illinois with referenda of technical measures, see Gardner, *op. cit.*

interest in the nomination and election of members. When this interest is manifested, the members will respond to the wishes of their constituents. Until this interest is taken, the initiative and referendum will be useless.[1]

The Reply.

To this the reply may be made that, where tried, the initiative and referendum have not proved useless, for the people have come to take a greater interest in legislative matters, knowing that they are themselves responsible if bad legislation is permitted to stand. Moreover, it is not always a question of electing good men to office, but often a question of keeping them good after they are elected. It has been found impossible to do this in many cases when the people have had no check upon the legislature, because of the concentrated pressure brought to bear by special interests whenever the legislative decision is final.

Aggravates the Long Ballot Evil.

(11) The system tends to aggravate the burdensome and confusing task already imposed upon the voters by our long ballots, by requiring them not only to select a large number of public officers but also to pass upon an unlimited number of legislative proposals which may be submitted on the same ballot. Forty-seven measures were thus submitted to popular vote at the state election in California in 1914, and thirty in 1922. In Oregon thirty-two measures were submitted in 1910, and thirty-seven in 1912.

Admittedly this overloading of the ballot is highly objectionable, but in none of these instances should it be charged wholly to the statutory initiative and referendum; for a very large proportion of these measures, in some cases more than half, were either constitutional amendments proposed *by the legislature itself*, or matters submitted by the legislature under some constitutional mandate.[2] Many people feel that the advantages which go with the statutory initiative and referendum far outweigh such disadvantages as occasionally result from an overloaded ballot.

[1] J. B. Sanborn, *op. cit.*

[2] See W. F. Dodd, *State Government*, 527–529.

(12) Other criticisms of the initiative and referendum, briefly summarized, include the objection that the public may be put to the trouble and expense of voting upon measures which may not have behind them a demand sufficient to warrant their submission; that usually there is nothing to prevent the proponents of measures once defeated from repeatedly getting up petitions for the resubmission of the rejected bills; that wherever the initiative and referendum are in force a "new trade of getting signatures" to petitions develops, to the great annoyance of citizens;[1] and that gross frauds have characterized the work of securing initiative and referendum petitions.

Miscellaneous Objections.

The existence of such defects may be admitted, but it is claimed in rebuttal that they are merely defects in detail and not vital to the principle of direct legislation; they inevitably appeared in the early, experimental period, but, with increased experience, various devices and safeguards have been found which seem well calculated to eliminate them.[2] Some states, for example, now require publicity for contributions and expenditures made in connection with initiative and referendum campaigns; others safeguard initiative and referendum petitions by placing them under the protection of corrupt practices acts; while the Ogden bill, before the Maryland legislature in 1914, proposed to recognize the representative character of elected members of the legislature in signing such petitions, so that the signature of a member would count for a certain numerical equivalent of the voters represented by that member.[3]

Very moderate use on the whole, has been made of these de-

[1] See B. J. Hendrick, *McClure's*, XXXVII, 235 (1911).

[2] For a detailed discussion of these safeguards, see W. A. Schnader, *Am. Pol. Sci. Rev.*, X, 515 (1916).

[3] See E. S. Potter, "Reforming the Initiative and Referendum," *Rev. of Rev.*, LI, 212 (1915). The "Model State Constitution," adopted by the National Municipal League in 1921, goes so far as to provide (section 27) that any bill failing to pass the legislature may be submitted to referendum *by order of the governor* if at least one-third of all the members voted for it on final passage. Similarly, any bill vetoed by the governor and re-passed by a majority and less than two-thirds of the legislature may likewise be submitted to popular referendum.

vices for direct legislation. Between 1900 and 1923 the statutory initiative and referendum were invoked in connection with 390 legislative measures, 228 being brought forward under the popular initiative, and 162 submitted under the referendum. Judging from the fate of these measures at the hands of the electorate, the referendum has proved much the more effective. Of the 228 initiative measures, only 79, or approximately thirty-five per cent, received popular approval; whereas, of the 162 bills which passed the legislature and were afterward subjected to a referendum, 100, or approximately sixty per cent, were rejected at the polls.[1] Apparently the voters in these states feel that there is much greater need for a veto upon the legislative output than there is for new laws through the initiative. At any rate, it seems evident that the legislatures in these states have rather frequently proved not to be the ideal law-making bodies that opponents of direct legislation so often appear to have in mind. Indeed, much of the prejudice and passion connected with the discussion of direct legislation arises, as Professor Merriam has well said, from the fact that most opponents of the system persist in speaking of a type of representative government that is not in existence at all; of an ideal type of government; as if all the law-makers of Illinois, for example, were angels or near-angels, and as if there were not corporation lobbies or anything of that sort. "They talk about a type of government, an ideal legislature, that is not on land or on sea, that is not in existence; and then they set up against that the initiative and referendum, as if they were from the Inferno, from the lower regions!"

Comparative Effectiveness of the Initiative and the Referendum.

A study of the experience of states that have the initiative and referendum justifies the conclusion that, like the direct

[1] These figures are based upon W. F. Dodd, *State Government* (1922), pp. 528–532; H. W. Dodds, *Nat. Mun. Rev.*, X, 238–239 (1921); and S. Wallace, *ibid.*, XII, 192 (1923). In California between 1911 and 1922, the initiative was used successfully only fifteen times in fifty-one submissions; and the action of the legislature was sustained only six times in nineteen submissions. J. R. Haynes, *Nat. Mun. Rev.*, XII, 117 (1923).

Conclusion.

primary, these legislative devices have failed to justify the dire predictions of their opponents or to realize all the optimistic expectations of their champions. As remedies for legislative evils, they are not perfect any more than the Australian ballot or the direct primary is perfect. They are, however, apparently the best expedients available at the present time for vetoing or supplementing the acts of a legislature which proves to be not a representative, but a misrepresentative, law-making body. With them, as without them, we shall undoubtedly enact into law a vast amount of "sublimated nonsense." Even were the average quality of our laws to be somewhat lowered, which seems improbable, we might well accept that drawback because of the measure of protection which the direct appeal to the people gives us against corrupt legislation; and because of the guaranty that with the initiative the people may have desirable legislation, bosses, machines, and misrepresentative legislatures to the contrary notwithstanding.[1]

QUESTIONS AND TOPICS

1. What attempts have been made in different states to give publicity to, or otherwise to regulate, the proceedings of legislative committees? Also to regulate lobbying?

2. What are the arguments for and against judicial determination of contested legislative election cases?

3. Outline the different schemes of proportional representation and cumulative voting that have been proposed. How has cumulative voting worked in Illinois? (See Commons, Moore.)

4. The work and achievements (*a*) of the Massachusetts Civic League, (*b*) of the Illinois Legislative Voters' League, and (*c*) of the Citizens' Union in New York.

5. In how many and in what states have legislative reference libraries or similar institutions been established?

6. The initiative and referendum in Switzerland. (See Lowell, Rappard.)

7. The referendum in recent English politics.

8. The initiative and referendum in the American colonies. (See Colegrove.)

[1] W. E. Weyl, *The New Democracy*, 308.

9. The initiative and referendum in the different states before adoption in South Dakota in 1898.

10. What provisions appear in your own state constitution and city charter which reflect popular distrust of the legislature or city council?

11. Summarize the application and operation of the initiative and referendum in connection with local governments in the last decade.

12. Compare the different steps prescribed by law in the several states for invoking the initiative and referendum.

13. What are the respective merits of the initiative with and without preliminary reference of measures to the legislature? (Compare the California, Oregon, Washington, and proposed Wisconsin acts.)

14. What measures are classed in different states as "emergency measures" to which the referendum may not apply? Has any unfair advantage been taken of these "emergency clauses"? (See Lowell.)

15. The experience of the people of California, and other states (except Oregon) with the initiative and referendum.

16. The experience of the people of Oregon with the initiative and referendum.

17. The opinion of the Supreme Court of the United States in Pacific States Telephone and Telegraph Co. *v.* The State of Oregon, 223 U. S. 118 (1912).

18. What safeguards have been placed about the initiative and referendum petitions in different states? (See Schnader.)

19. What effect is the movement for the initiative and referendum likely to have upon the short ballot movement?

20. What, in your judgment, are likely to be the effects of the wide adoption of the initiative, referendum, and recall upon our two-party system? (See Larned, Watkins.)

21. What attitude has been taken by state and federal courts in cases brought to overturn a gerrymander? (See Reinsch for citations.)

22. What provisions are contained in the different state constitutions designed to restrict the practice of gerrymandering?

23. The merits of the "local co-operating plan" as a check upon "pork-barrel legislation." (See Stokes.)

24. Legal questions arising under the initiative and referendum in Arkansas. (See Thomas.)

25. Should the supreme court of a state where the initiative and referendum exist be permitted to declare unconstitutional statutes which have received a favorable vote at the polls? Should the legislature be permitted to repeal or amend such acts?

26. Compare the different methods of insuring or testing the constitutionality of statutes proposed under the initiative.

27. The Washington system of initiative and referendum and its first trial. (See *American Year Book, 1912-1913*, Kettleborough, Shippee.)

28. How, if at all, can votes on referenda be made to reflect fairly the opinion of the majority of voters?

29. The organization and work of the legislative reference service of the Library of Congress. (See Putnam.)

30. What success has attended the operation of "Public Opinion" laws; for example, in Illinois?

31. The proposed "Public Opinion" law in Indiana, 1915. (See *Am. Pol. Sci. Rev.*)

32. Prepare a report on the adoption of the initiative and referendum in Massachusetts in 1918.

33. What restrictions have been placed upon the use of the initiative and referendum in Massachusetts?

34. Where the initiative and referendum exist, is it wise to prohibit the legislature (as California does) from amending laws which have been adopted by means of the initiative? (See Lavenson).

35. Study the list of constitutional amendments or statutes referred to popular vote in states having the initiative and referendum, and see how many "radical" political or governmental changes proposed have originated with the electorate and how many with the legislature.

36. Collect as many instances as you can where the conservative classes in states having the initiative and referendum have availed themselves of these "radical" devices.

37. What percentage of voters going to the polls in various states fail to vote upon measures referred to them?

38. Estimate as closely as you can the comparative interest in legislation indicated by a popular vote on referenda and the interest shown by the percentage of those present upon roll-calls in a legislature. (See Wallace.)

39. Prepare a report upon the use made of the initiative and referendum by the Democratic party in Missouri, 1921–22.

40. What changes in the initiative and referendum were proposed by the Missouri constitutional convention in 1924? What was the popular vote thereon? (See Barclay.)

41. Describe the system of electrical voting employed in Wisconsin, Iowa, and Texas. Should Congress adopt such a system?

42. What advantages does the joint committee system, found in Massachusetts, for example, have over the usual duplicate set of committees in each branch of the legislature?

43. Criticise the seniority rule in connection with the committee system. Ought committee chairmen in Congress and state legislatures to be elected by the committees over which they are to preside?

44. Give an account of the Federal Research Bureau founded in 1924 by Mr. Frank A. Vanderlip. (See Vanderlip.)

45. Summarize the provisions of the Model State Constitution which relate to the legislative branch of state government.

46. What has been accomplished by the People's Legislative Service? Has this organization had any direct connection with the agricultural bloc in Congress, 1921–24, or with the movement for the nomination of Senator La Follette for the presidency in 1924?

APPENDIX A

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APPENDIX B

REPUBLICAN AND DEMOCRATIC PLATFORMS, 1924

REPUBLICAN

Tribute to Harding and Coolidge

We, the delegates of the Republican party, in national convention assembled, bow our heads in reverent memory of Warren G. Harding.

We nominated him four years ago to be our candidate; the people of the nation elected him their President. His human qualities gripped the affections of the American people. He was a public servant unswerving in his devotion to duty.

A stanch Republican, he was first of all a true patriot, who gave unstintingly of himself during a trying and critical period of our national life.

His conception and successful direction of the Limitation of Armaments Conference in Washington was an achievement which advanced the world along the path toward peace.

As delegates of the Republican party, we share in the national thanksgiving that in the great emergency created by the death of our great leader there stood forth fully equipped to be his successor one whom we had nominated as Vice-President—Calvin Coolidge, who as Vice-President and President by his every act has justified

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Tribute to Woodrow Wilson

We, the representatives of the Democratic party, in national convention assembled, pay our profound homage to the memory of Woodrow Wilson. Our hearts are filled with gratitude that American Democracy should have produced this man, whose spirit and influence will live on through the ages; and that it was our privilege to have co-operated with him in the advancement of ideals of government which will serve as an example and inspiration for this and future generations. We affirm our abiding faith in those ideals, and pledge ourselves to take up the standard which he bore and to strive for the full triumph of the principles of democracy to which he dedicated his life.

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the faith and confidence which he has won from the nation.

He has put the public welfare above personal considerations. He has given to the people practical idealism in office. By his every act he has won without seeking the applause of the people of the country. The constantly accumulating evidence of his integrity, vision, and single-minded devotion to the needs of the people of this nation strengthens and inspires our confident faith in his continued leadership.

DEMOCRATIC

PARTY PRINCIPLES

The Democratic party believes in equal rights to all and special privilege to none. The Republican party holds that special privileges are essential to national prosperity. It believes that national prosperity must originate with the special interests and seep down through the channels of trade to the less favored industries, to the wage earners and small-salaried employees. It has accordingly enthroned privilege and nurtured selfishness.

The Republican party is concerned chiefly with material things; the Democratic party is concerned chiefly with human rights. The masses, burdened by discriminating laws and unjust administration, are demanding relief. The favored special interests, represented by the Republican party, contented with their unjust privileges, are demanding that no change be made. The Democratic party stands for remedial legislation and progress. The Republican party stands still.

PARTY ACHIEVEMENTS AND FAILURES

REPUBLICAN

When the Republican administration took control of the government in 1921, there were 4,500,000 unemployed; industry and commerce were stagnant; agriculture was prostrate; business was depressed; government bonds were selling below their par value.

Peace was delayed; misunderstanding and friction characterized our relations abroad. There was a lack of faith in the administration of government resulting in a growing feeling of distrust in the very principles upon which our institutions are founded.

To-day industry and commerce are active; public and private credits are sound. We have made peace; we have taken the first step toward disarmament and strengthened our friendship with the world powers; our relations with the rest of the world are on a firmer basis, our position was never better understood; our foreign policy never more definite and consistent. The tasks to which we have put our hands are completed. Time has been too short for the correction of all the ills we received as a heritage from the last Democratic administration, and the notable accomplishments under Republican rule warrant us in appealing to the country with entire confidence.

We demand, and the people of the United States have a right to demand, rigid economy in government. A policy of strict economy enforced by the Republican administration since 1921 has made possible a reduction in taxation and has enabled the government to reduce the public debt by two and a half billion dollars. This

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We urge the American people to compare the record of eight unsullied years of Democratic administration with that of the Republican administration. In the former there was no corruption. Party pledges were faithfully fulfilled and a Democratic Congress enacted an extraordinary number of constructive and remedial laws.

The economic life of the nation was quickened. Tariff taxes were reduced. A federal trade commission was created. A federal farm loan system was established. Child labor legislation was enacted. A good roads bill was passed. Eight-hour laws were adopted. A Secretary of Labor was given a seat in the Cabinet of the President.

The Clayton amendment to the Sherman Anti-Trust Act was passed, freeing American labor and taking it from the category of commodities. By the Smith-Lever bill improvement of agricultural conditions was effected. A corrupt practices act was adopted. A well-considered warehouse act was passed. Federal employment bureaus were created, farm loan banks were organized, and the Federal Reserve system was established.

Privilege was uprooted. A corrupt lobby was driven from the national capital. A higher sense of individual and national duty was aroused. America enjoyed an unprecedented period of social and material progress.

During the time which intervened between the inauguration of a Democratic administration on March 4, 1913, and our entrance into the World War, we placed

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policy vigorously enforced has resulted in a progressive reduction of public expenditures until they are now two billion dollars per annum less than in 1921. The tax burdens of the people have been relieved to the extent of $1,250,000,000 per annum. Government securities have been increased in value more than three billion dollars. Deficits have been converted into surpluses. The budget system has been firmly established and the number of federal employees has been reduced more than one hundred thousand. We commend the firm insistence of President Coolidge upon rigid government economy and pledge him our earnest support to this end.

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upon the statute books of our country more effective, constructive, and remedial legislation than the Republican party had placed there in a generation.

During the great struggle which followed we had a leadership that carried America to greater heights of honor and power and glory than she had ever known before in her entire history.

Transition from this period of exalted Democratic leadership to the sordid record of the last three and a half years makes the nation ashamed. It marks the contrast between a high conception of public service and an avid purpose to distribute spoils.

* * * * * *

The dominant issues of the campaign are created by existing conditions.

Dishonesty, discrimination, extravagance, and inefficiency exist in government. The burdens of taxation have become unbearable. Distress and bankruptcy in agriculture, the basic industry of our country, are affecting the happiness and prosperity of the whole people. The high cost of living is causing hardship and unrest.

The slowing down of industry is adding to the general distress. The tariff, the destruction of our foreign markets, and the high cost of transportation are taking the profit out of agriculture, mining, and other raw material industries. Large standing armies and the cost of preparing for war still cast their burdens upon humanity. These conditions the existing Republican administration has proved itself unwilling or unable to redress.

TAXATION, FINANCE, AND BANKING

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We believe that the achievements of the Republican administration in reducing taxation by $1,250,000,000 per annum; reducing the public debt by $2,432,000,000; installing a budget system; reducing the public expenditures of the government from $5,500,000,000 per annum to approximately $3,400,000,000 per annum, thus reducing the ordinary expenditures of the government to substantially a pre-war basis and the complete restoration of public credit; the payment or refunding of $7,500,000,000 of public obligations without disturbance of credit or industry, all in the short period of three years, presents a record unsurpassed in the history of public finance.

The assessment of taxes wisely and scientifically collected and the efficient and economical expenditure of the money received by the government are essential to the prosperity of our nation. Carelessness in levying taxes inevitably breeds extravagance in expenditures. The wisest system of taxation rests most lightly on the individual and economic life of the country. The public demand for a sound tax policy is insistent.

Progressive tax reduction should be accomplished through tax reform. It should not be confined to less than 4,000,000 of our citizens who pay direct taxes, but is the right of the more than 100,000,000 who are daily paying their taxes indirectly through their living expenses. Congress has in the main confined its work to tax reduction. The matter of tax re-

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The greatest contributing factor in the increase and unbalancing of prices is unscientific taxation. After having increased taxation and the cost of living by two billion dollars, under the Fordney-McCumber tariff, all that the Republican party could suggest in the way of relief was a cut of $300,000,000 in direct taxes; and that was to be given principally to those with the largest incomes.

Although there was no evidence of a lack of capital for investment to meet the present requirements of all legitimate industrial enterprises, and although the farmers and general consumers were bearing the brunt of tariff favors already granted to special interests, the administration was unable to devise any plan except one to grant further aid to the few.

Fortunately, this plan of the administration failed, and, under Democratic leadership, aided by progressive Republicans, a more equitable one was adopted, which reduced direct taxes by about four hundred and fifty million dollars.

The issue between the President and the Democratic party is not one of tax reduction or of the conservation of capital. It is an issue of the relative burden of taxation and of the distribution of capital as affected by the taxation of income. The President still stands on the so-called Mellon plan, which his party has just refused to endorse or mention in its platform.

The income tax was intended as a tax upon wealth. It was not intended to take from the poor any part of the necessities of life. We

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form is still unsettled and is equally essential.

We pledge ourselves to the reduction of taxes of all the people as rapidly as may be done with due regard for the essential expenditures of the government administered with rigid economy, and to place our tax system on a sound peace time basis.

We indorse the plan of President Coolidge to call in November a national conference of federal and state officials for the development of the effective methods of lightening the tax burden of our citizens and adjusting questions of taxation as between national and state governments.

We favor the creation by appropriate legislation of a non-partisan federal commission to make a comprehensive study and report upon the tax systems of the states and federal government with a view to an intelligent reformation of our systems of taxation to a more equitable basis and a proper adjustment of the subjects of taxation as between the national and state governments with justice to the taxpayers and in conformity with sound economic principles.

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hold that the fairest tax with which to raise revenues for the federal government is the income tax.

We favor a graduated tax upon incomes, so adjusted as to lay the burdens of government upon the taxpayers in proportion to the benefits they enjoy and their ability to pay.

We oppose the so-called nuisance taxes, sales taxes, and all other forms of taxation that unfairly shift to the consumer the burdens of taxation.

We refer to the Democratic revenue measure passed by the last Congress, as distinguished from the Mellon tax plan, as an illustration of the policy of the Democratic party. We first made a flat reduction of 25 per cent upon the tax of all incomes payable this year, and then we so changed the proposed Mellon plan as to eliminate taxes upon the poor, reducing them upon moderate incomes and, in a lesser degree, upon the incomes of multimillionaires. We hold that all taxes are unnecessarily high, and pledge ourselves to further reductions.

We denounce the Mellon tax plan as a device to relieve multimillionaires at the expense of other taxpayers, and we accept the issue of taxation tendered by President Coolidge.

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We denounce the recent cruel and unjust contraction of legitimate and necessary credit and currency, which was directly due to the so-called deflation policy of the Republican party as declared in its national platform of June,

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1920, and in the speech of acceptance of its candidate for the Presidency.

Within eighteen months after the election of 1920 this policy resulted in withdrawing bank loans and discounts by over five billions of dollars and in contracting our currency by over fifteen hundred millions of dollars. This contraction bankrupted hundreds of thousands of farmers and stock growers in America and resulted in widespread industrial depression and unemployment.

We demand that the Federal Reserve system be so administered as to give stability to industry, commerce, and finance, as was intended by the Democratic party, which gave the Federal Reserve system to the nation.

EXECUTIVE DEPARTMENTS AND CIVIL SERVICE

We favor a comprehensive reorganization of the executive departments and bureaus along the line of the plan recently submitted by a joint committee of the Congress, which has the unqualified support of President Coolidge.

The improvement in the enforcement of the merit system, both by legislative enactment and executive action since March 4, 1921, has been marked and effective. By executive order, the appointment of presidential postmasters has been placed on the merit basis similar to that applying to the classified service.

We favor the classification of postmasters in first, second, and third-class post-offices and the placing of the prohibition enforce-

We denounce the action of the Republican administration in its violations of the principles of civil service by its partisan removals and manipulation of the eligible lists in the Post Office Department and other governmental departments; by its packing the Civil Service Commission so that that commission became the servile instrument of the administration in its wish to deny to the ex-service men their preferential rights under the law and the evasion of the requirements of the law with reference to appointments in the department.

We pledge the Democratic party faithfully to comply with the spirit as well as the regulation of civil service; to extend its provisions to

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ment field force within the classified civil service, without necessarily incorporating all the present personnel.

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internal revenue officers and to other employees of the government not in executive positions, and to secure to ex-service men preference in such appointments.

We declare in favor of adequate salaries to provide decent living conditions for postal employees.

FOREIGN RELATIONS—LEAGUE OF NATIONS

The Republican party reaffirms its stand for agreement among the nations to prevent war and preserve peace. As an important step in this direction we indorse the Permanent Court of International Justice and favor the adherence of the United States to this tribunal as recommended by President Coolidge. This government has definitely refused membership in the League of Nations and to assume any obligations under the covenant of the League. On this we stand.

While we are unwilling to enter

We condemn the Lausanne Treaty. It barters legitimate American rights and betrays Armenia for the Chester oil concession.

We favor the protection of American rights in Turkey and the fulfilment of President Wilson's arbitral award respecting Armenia.

(League of Nations [1])

The Democratic party pledges all its energies to the outlawing of the whole war system. We refuse to believe that the wholesale

[1] The substitute plank on the League of Nations offered to the convention as a minority report from the Platform Committee by seven members, headed by Newton D. Baker, follows:

INTERNATIONAL CO-OPERATION

The most important problem facing the nations of the world to-day is how to recover from the last war and remove the menace of future wars.

The only hope for world peace and for economic recovery lies in the organized efforts of sovereign nations co-operating to remove the causes of war and to substitute law and order for violence. Only thus can we outlaw war, stop preparations for war, and keep out of war.

Under Democratic leadership a practical plan was devised which fifty-four nations are now operating and which has for its fundamental purpose the free co-operation of all nations in the works of peace.

The leaders of the Republican party opposed that plan by gross misrepresentations. They subordinated the peace of the world and the welfare of this nation to doubtful party advantage. They have not carried out their promise of a substitute. The Government of the United States, which has always taken the lead, has for the past four years, for the first time in its history, fallen behind in efforts for international peace and justice.

This Republican administration made one limited effort to reduce the instruments of war, but none to reduce the causes of war. It has not only failed to aid, but has delayed political and economic reconstruction in Europe. By shirking responsibility it has impaired our self-respect at home and injured our prestige abroad. It

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into political commitments which would involve us in the conflict of European policies, it should be the purpose and high privilege of the United States to continue to co-operate with other nations in humanitarian efforts in accordance with our cherished traditions.

The basic principles of our foreign policy must be independence without indifference to the rights and necessities of others and co-operation without entangling alliances. This policy overwhelmingly approved by the people has been vindicated since the end of the Great War. America's participation in world affairs under the administration of President Harding and President Coolidge has demonstrated the widsom and prudence of the national judgment. A most impressive example of the capacity of the United States to serve the cause of world peace without political affiliations

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slaughter of human beings on the battlefield is any more necessary to man's highest development than is killing by individuals.

The only hope for world peace and for economic recovery lies in the organized efforts of sovereign nations co-operating to remove the causes of war and to substitute law and order for violence.

Under Democratic leadership a practical plan was devised under which fifty-four nations are now operating and which has for its fundamental purpose the free co-operation of all nations in the work of peace.

The government of the United States for the last four years has had no foreign policy, and consequently it has delayed the restoration of the political and economic agencies of the world. It has impaired our self-respect at home and injured our prestige abroad. It has curtailed our foreign mar-

has reduced this great nation to the rôle of impotent "observer." It has found it necessary to use the League of Nations, and yet seems constrained to sneer at and misrepresent it. Its policy of isolation is as revolting in its spiritual aspects as it is harmful in its material consequences.

The Republican party has no foreign policy.

We approve the proposal so repeatedly trifled with by the Republican party, that the United States directly adhere to the Permanent Court of International Justice established under the auspices of the League of Nations. This proposal, while sound and desirable, is, however, but a fragment of the complete plan which is necessary if we are to abolish war and have economic recovery and stability.

It would better comport with the dignity and interest of this great nation to face the question of international co-operation frankly and manfully.

There is no substitute for the League of Nations as an agency working for peace. The League of Nations never meant, and the Democratic party never favored, any "foreign entanglements," any meddling in the domestic affairs of others, any impairment of sovereignty.

The Democratic party favors membership in that co-operative agency upon conditions which will make it clear that we are not committed to use force, and such further conditions as the President with the approval of the Senate may deem appropriate to make our co-operation effective in fact and consistent with our constitutional practice.

Under a Democratic administration the government will endeavor to lift this great question above partisanship and to reflect the best opinion of those who place the welfare of the nation above partisanship. It will pursue a course which safeguards American interests and conforms to American traditions, aspirations, and ideals. It will co-operate with civilization to banish war.

The Democratic party has a foreign policy.

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was shown in the effective and beneficent work of the Dawes commission towards the solution of the perplexing question of German reparations.

The first conference of great powers in Washington called by President Harding accomplished the limitation of armaments and the readjustment of the relations of the powers interested in the Far East. The conference resulted in an agreement to reduce armaments; relieved the competitive nations involved from the great burdens of taxation arising from the construction and maintenance of capital battleships; assured a new, broader, and better understanding in the Far East; brought the promise of peace in the region of the Pacific and formally adopted the policy of the open door for trade and commerce in the great markets of the Far East.

This historic conference paved the way to avert the danger of renewed hostilities in Europe and to restore the necessary economic stability. While the military forces of America have been reduced to a peace footing, there has been an increase in the land and air forces abroad which constitutes a continual menace to the peace of the world and a bar to the return of prosperity.

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kets and ruined our agricultural prices.

It is of supreme importance to civilization and to mankind that America be placed and kept on the right side of the greatest moral question of all time, and, therefore, the Democratic party renews its declaration of confidence in the ideals of world peace, the League of Nations, and the World Court of Justice, as together constituting the supreme effort of the statesmanship and religious conviction of our time to organize the world for peace.

Further, the Democratic party declares that it will be the purpose of the next administration to do all in its power to secure for our country that moral leadership in the family of nations which, in the providence of God, has been so clearly marked out for it.

There is no substitute for the League of Nations as an agency working for peace; therefore, we believe that, in the interest of permanent peace, and in the lifting of the great burdens of war from the backs of the people, and in order to establish a permanent foreign policy on these supreme questions, not subject to change with change of party administrations, it is desirable, wise, and necessary to lift this question out of party politics and to that end to take the sense of the American people at a referendum election, advisory to the government, to be held officially under Act of Congress, free from all other questions and candidacies, after ample time for full consideration and discussion throughout the country, upon the question, in substance, as follows:

"Shall the United States be-

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(New Arms Conference)

We firmly advocate the calling of a conference on the limitation of land forces, the use of submarines and poison gas, as proposed by President Coolidge, when by the adoption of a permanent reparations plan the conditions in Europe will make negotiations and co-operation opportune and possible.

By treaties of peace, safeguarding our rights and without derogating our former associates in arms, the Republican administration ended the war between this country and Germany and Austria. We have concluded and signed with other nations during the past three years more than fifty treaties and international agreements in the furtherance of peace and good-will.

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come a member of the League of Nations upon such reservations or amendments to the Covenant of the League as the President and the Senate of the United States may agree upon."

Immediately upon an affirmative vote we will carry out such mandate.

* * * * * *

(Republic of Greece)

We welcome to the sisterhood of republics the ancient land of Greece, which gave to our party its priceless name. We extend to her government and people our cordial good wishes.

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Disarmament, War Referendum)

Our government should secure a joint agreement with all nations for world disarmament and also for a referendum of war, except in case of actual or threatened attack.

Those who must furnish the blood and bear the burdens imposed by war should, whenever possible, be consulted before this supreme sacrifice is required of them.

* * * * * *

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(LATIN AMERICA)

New sanctions and new proofs of permanent accord have marked our relations with all Latin America. The long-standing controversy between Chile and Peru has been advanced toward settlement by its submission to the President of the United States as arbitrator and, with the helpful co-operation of this country, a treaty has been signed by the representatives of sixteen American republics, which will stabilize conditions on the American continent and minimize the opportunities for war.

Our difficulties with Mexico have happily yielded to a most friendly adjustment. Mutual confidence has been restored and a pathway for that friendliness and helpfulness which should exist between this government and the government of our neighboring republic has been marked. Agreements have been entered into for the determination by judicial commissions of the claims of the citizens of each country against the respective governments. We can confidently look forward to more permanent and more stable relations with this republic that joins for so many miles our southern border.

The wisdom of our policy, now well defined, of giving practical aid to other peoples without assuming political obligations has been conspicuously demonstrated. The ready and generous response of America to the needs of the starving in Russia and the suddenly stricken people of Japan gave evidence of our helpful interest in the welfare of the distressed in other lands.

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(LATIN AMERICA)

From the day of their birth friendly relations have existed between the Latin-American republics and the United States. That friendship grows stronger as our relations become more intimate. The Democratic party sends to these republics its cordial greetings. God has made us neighbors —justice shall keep us friends.

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The work of our representatives in dealing with subjects of such universal concern as the traffic in women and children, the production and distribution of narcotic drugs, the sale of arms, and in matters affecting public health and morals, demonstrates that we can effectively do our part for humanity and civilization without forfeiting, limiting, or restricting our national freedom of action.

The American people do cherish their independence, but their sense of duty to all mankind will ever prompt them to give their support, service, and leadership to every cause which makes for peace and amity among the nations of the world.

We favor the holding from time to time of international conferences for the advancement and codification of international law.

(Foreign Debts)

In fulfilment of our solemn pledge in the national platform of 1920, we have steadfastly refused to consider the cancellation of foreign debts. Our attitude has not been that of an oppressive creditor seeking immediate return and ignoring existing financial conditions, but has been based on the conviction that a moral obligation such as was incurred should not be disregarded.

We stand for settlements with all debtor countries similar in character with our debt agreement with Great Britain. That settlement, achieved under a Republican administration, was the greatest international financial transaction in the history of the world. Under the terms of the

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agreement the United States now receives an annual return upon the $4,600,000,000 owing to us by Great Britain, with a definite obligation of ultimate payment in full.

The justness of the basis employed has been formally recognized by other debtor nations. Thirty-five per cent of the total foreign debt is now in progress of liquidation.

Great nations can not recognize or admit the principle of repudiation. To do so would undermine the integrity essential for international trade, commerce and credit.

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TARIFF

We reaffirm our belief in the protective tariff to extend needed protection to our productive industries. We believe in protection as a national policy, with due and equal regard to all sections and to agriculture and industry. It is only by adherence to such a policy that the well-being of the consumers can be safeguarded and American agriculture, American labor, and American manufactures be assured a return sufficient to perpetuate American standards of life.

A protective tariff is designed to support the high American economic level of life for the average family, and to prevent a lowering to the levels of economic life prevailing in other lands. It is the history of the Nation that the protective system has ever justified itself by promoting industrial ac-

The Fordney-McCumber Tariff Act is the most unjust, unscientific and dishonest tariff tax measure ever enacted in our history. It is class legislation, which defrauds all the people for the benefit of a few; it heavily increases the cost of living, penalizes agriculture, corrupts the government, fosters paternalism, and, in the long run, does not benefit the very interests for which it was enacted.

We denounce the Republican tariff laws, which are written in great part in aid of monopolies, and thus prevent that reasonable exchange of commodities which would enable foreign countries to buy our surplus agricultural and manufactured products, with resultant benefit to the toilers and producers of America. Trade interchange, on the basis of reciprocal advantages to the countries

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tivity and employment, enormously increasing our purchasing power, restoring confidence and bringing increased prosperity to all.

The tariff protection to our industry works for increased consumption of domestic agricultural products by an employed population instead of one unable to purchase the necessities of life. Without the strict maintenance of the tariff principle, our farmers will need always to compete with cheap lands and cheap labor abroad and with lower standards of living.

The enormous value of the protective principle has once more been demonstrated by the emergency tariff act of 1921 and the tariff act of 1922.

We believe that the power of the President to decrease or increase any rate of duty in the Tariff Act furnishes a safeguard against excessive duties and against too low customs charges, and affords ample opportunity for tariff duties to be adjusted after a hearing that they may cover the actual differences in the cost of production in the United States and the principal competing countries of the world.

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participating, is a time-honored doctrine of Democratic faith. We declare our party's position to be in favor of a tax on commodities entering the custom houses that will promote effective competition, protect against monopoly, and at the same time produce a fair revenue to support the government. . . .

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AGRICULTURE

The Republican party recognizes that we are faced with a fundamental national problem and that the prosperity and welfare of the nation as a whole is dependent on the prosperity and welfare of our agricultural population.

We recognize our agricultural activities are still struggling with adverse conditions that have brought about distress. We pledge

During the four years of Republican government the economic condition of the American farmer has changed from comfort to bankruptcy, with all its attendant miseries. The chief causes for this are:

(*a*) The Republican policy of isolation in international affairs has prevented Europe from getting back to its normal balance, and,

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the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor that were destroyed by the Democratic party through an unfortunate administration of legislative measures passed as war measures.

We affirm that under the Republican administration the problems of the farmer have received more serious consideration than ever before, both by definite executive action and by congressional action, not only in the field of general legislation but also in the enactment of laws to meet emergency situations.

The restoration of general prosperity and the purchasing power of our people through tariff protection has resulted in an increased domestic consumption of food products, and the prices of many agricultural commodities are above the world price level by reason of direct tariff protection.

Under the leadership of the President at the most critical time, a corporation was organized by private capital making available $100,000,000 to assist the farmers of the Northwest.

In realization of the disturbance in the agricultural export market, the result of the financial depression in Europe, and appreciating that the export field would be enormously improved by economic rehabilitation and the resulting increased consuming power, a sympathetic support and direction were given to the work of the American representatives on the European reparations commission.

The revival in 1921 of the war finance corporation with loans of over $300,000,000 averted a com-

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by leaving unsolved the economic problems abroad, has driven the European city population from industrial activities to the soil in large numbers in order to earn the mere necessities of life. This has deprived the American farmer of his normal export trade.

(*b*) The Republican policy of a prohibitive tariff, exemplified in the Fordney-McCumber law, which has forced the American farmer, with his export market debilitated, to buy manufactured goods at sustained high domestic levels, thereby making him the victim of the profiteer.

(*c*) The Republican policy of high transportation rates, both rail and water, which has made it impossible for the farmer to ship his produce to market at even a living profit.

To offset these policies and their disastrous results, and to restore the farmer again to economic equality with other industrialists, we pledge ourselves:

(*a*) To adopt an international policy of such co-operation, by direct official instead of indirect and evasive unofficial means, as will re-establish the farmers' export market by restoring the industrial balance in Europe and the normal flow of international trade with the settlement of Europe's economic problems.

(*b*) To adjust the tariff so that the farmer and all other classes can buy again in a competitive manufacturers' market.

(*c*) To readjust and lower rail and water rates, which will make our markets, both for the buyer and the seller, national and international instead of regional and local.

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plete collapse of the agricultural industry.

We have established new intermediate credit banks for agriculture and increased the capital of the Federal Farm Loan system. Emergency loans have been granted to drought-stricken areas. We have enacted into law the co-operative marketing act, the grain futures and packer control acts; given to agriculture direct representation on the federal reserve board and on the federal trade commission. We have greatly strengthened our foreign marketing service for the disposal of our agricultural products.

The crux of the problem from the standpoint of the farmer is the net profit he receives after his outlay. The process of bringing the average prices of what he buys and what he sells closer together can be indirectly expedited by reduction in taxes, steady employment in industry, and stability in business.

This process can be directly expedited by lower freight rates, by better marketing through co-operative effort and a more scientific organization of the physical human machinery of distribution and by a greater diversification of farm products.

We promise every assistance in the reorganization of the marketing system on sounder and more economic lines and where diversification is needed, government assistance during the period of transition. The vigorous effort of this administration toward broadening our export market will be continued.

We favor adequate tariff protection to such of our agricultural

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(*d*) To bring about the early completion of internal waterway systems for transportation, and to develop our water powers for cheaper fertilizer and use on our farms.

(*e*) To stimulate by every proper governmental activity the progress of the co-operative marketing movement and the establishment of an export marketing corporation or commission in order that the exportable surplus may not establish the price of the whole crop.

(*f*) To secure for the farmer credits suitable for his needs.

(*g*) By the establishment of these policies and others naturally supplementary thereto, to reduce the margin between what the producer receives for his products and the consumer has to pay for his supplies, to the end that we secure equality for agriculture.

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products as are threatened by foreign competition.

We favor without putting the government into business, the establishment of a federal system of organization for co-operative marketing of farm products.

The Republican party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industry to assure its prosperity and success.

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MUSCLE SHOALS

We reaffirm and pledge the fulfilment of the policy, with reference to Muscle Shoals, as declared and passed by the Democratic majority of the Sixty-fourth Congress in the National Defense Act of 1916, "for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers."

We hold that the production of cheaper and higher grade fertilizers is essential to agricultural prosperity. We demand prompt action by Congress for the operation of Muscle Shoals plants to maximum capacity in the production, distribution, and sale of commercial fertilizers to the farmers of the country, and we oppose any legislation that limits the production of fertilizers at Muscle Shoals by limiting the amount of power to be used in their manufacture.

MINING

The mining industry has experienced a period of depression as the result of the abnormal economic conditions growing out of the war.

Mining is one of the basic industries of this country. We produce more coal, iron, copper, and silver than any other country.

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This administration has accomplished much in improving the conditions affecting this great fundamental industry and pledges itself to continue its efforts in this direction.

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The value of our mineral production is second only to agriculture. Mining has suffered like agriculture, and from the same causes. It is the duty of our government to foster this industry and to remove the restrictions that destroy its prosperity.

HIGHWAYS

The Federal Aid Road Act adopted by a Republican Congress in 1921 has been of inestimable value in the development of the highway systems of the several states and of the nation. We pledge a continuation of this policy of federal co-operation with the states in highway building.

We favor the construction of roads and trails in our national forests necessary to their protection and utilization. In appropriations therefor the taxes which these lands would pay if taxable should be considered as a controlling factor.

Improved roads are of vital importance not only to commerce and industry but also to agriculture and rural life. We call attention to the record of the Democratic party in this matter and favor a continuance of federal aid under existing federal and state agencies.

LABOR—CHILD WELFARE

The increasing stress of industrial life, the constant and necessary efforts because of world competition to increase production and decrease costs has made it specially incumbent on those in authority to protect labor from undue exactions.

We commend Congress for its prompt adoption of the recommendation of President Coolidge for a constitutional amendment authorizing Congress to legislate on the subject of child labor and we urge prompt consideration of that amendment by the legislatures of the various states.

There is no success great enough to justify the employment of

Labor is not a commodity. It is human. We favor collective bargaining and laws regulating hours of labor and conditions under which labor is performed.

We favor the enactment of legislation providing that the product of convict labor shipped from one state to another shall be subject to the laws of the latter state exactly as though they had been produced therein.

In order to mitigate unemployment attending business depression, we urge the enactment of legislation authorizing that construction and repair of public works be initiated in periods of acute unemployment.

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women in labor under conditions which will impair their natural functions.

We favor high standards for wages, working and living conditions among the women employed in industry.

We pledge a continuance of the efforts of the Republican administration to eliminate the seven-day, twelve-hour work week in industry. We regard with satisfaction the elimination of the twelve-hour day in the steel industry and the agreement eliminating the seven-day work week of alternate thirteen and eleven hours brought about through the efforts of Presidents Harding and Coolidge. We declare our faith in the principle of the eight-hour day.

We pledge a continuation of the work of rehabilitating workers in industry as conducted by the federal board for vocational education and favor adequate appropriations for this purpose.

We favor a broader and better system of vocational education, a more adequate system of federal free employment agencies with facilities for assisting the movements of seasonal and migratory labor, including farm labor and an ample organization for bringing the man and his job together.

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We pledge the party to co-operate with the state governments for the welfare, education, and protection of child life and all necessary safeguards against exhaustive debilitating employment conditions for women.

Without the votes of Democratic members of the Congress the Child Labor Amendment would not have been submitted for ratification.

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Recognizing in narcotic addiction, especially the spreading of heroin addiction among the youth, a grave peril to America and to the human race, we pledge ourselves vigorously to take against it all legitimate and proper measures for education, for control, and for suppression at home and abroad.

RAILROADS

The people demand and are entitled to have prompt and efficient transportation at the lowest rates consistent with good service and a reasonable return upon the value of the property devoted to public service.

We believe that the American people demand a careful and sci-

The sponsors for the Esch-Cummins Transportation Act of 1920, at the time of its presentation to Congress, stated that it had for its purpose the reduction of the cost of transportation, the improvement of service, the bettering of labor conditions, the promotion of peaceful co-operation between

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entific readjustment of railroad rate schedules with a view to the encouragement of agriculture and basic industries without impairment of necessary railroad service. The present laws regulating railroads which were enacted to meet post-war conditions should be modified from time to time as experience develops the necessity therefor.

The consolidation of railroads subject to the approval of the Interstate Commerce Commission into fewer competitive systems will result in advantages to the public.

The labor board provisions of the present law should be amended whenever it appears necessary to meet changed conditions. Collective bargaining, mediation, and voluntary arbitration are the most important steps in maintaining peaceful labor relations and should be encouraged. We do not believe in compulsory action at any time in the settlement of labor disputes.

Public opinion must be the final arbiter in any crisis which so vitally affects public welfare as the suspension of transportation. Therefore the interests of the public require the maintenance of an impartial tribunal which can in an emergency make an investigation of the facts and publish its conclusions. This is essential as a basis for popular judgment.

We favor a stable, consistent, and constructive policy toward our railroads.

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employer and employee, and, at the same time, the assurance of a fair and just return to the railroads upon their investment.

We are in accord with these announced purposes, but contend that the act has failed to accomplish them. It has failed to reduce the cost of transportation. The promised improvement in service has not been realized. The labor provisions of the act have proven unsatisfactory in settling differences between employer and employees. The so-called recapture clause has worked to the advantage of the strong and has been of no benefit to the weak.

The pronouncement in the act for the development of both rail and water transportation has proved futile. Water transportation upon our inland waterways has not been encouraged, and limitation of our coastwise trade is threatened by the administration of the act. It has unnecessarily interfered with the power of the states to regulate purely intrastate transportation. It must, therefore, be so rewritten that the high purposes which the public welfare demands may be accomplished.

Railroad freight rates should be so readjusted as to give the bulky, basic, low-priced raw commodities, such as agricultural products, coal and ores, the lowest rates, placing the higher rates upon more valuable and less bulky manufactured products.

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CENTRALIZATION

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We demand that the states of the Union shall be preserved in all their vigor and power. They constitute a bulwark against the centralizing and destructive tendencies of the Republican party.

We condemn the efforts of the Republican party to nationalize the functions and duties of the states.

We oppose the extension of bureaucracy, the creation of unnecessary bureaus and federal agencies, and the multiplication of offices and office-holders.

We demand a revival of the spirit of local self-government essential to the preservation of the free institutions of our republic.

(Fraudulent Stock Sales)

We favor the immediate passage of such legislation as may be necessary to enable the states efficiently to enforce their laws relating to the gradual financial strangling of innocent investors, workers, and consumers, caused by the indiscriminate promotion, refinancing, and reorganizing of corporations on an inflated and overcapitalized basis, resulting already in the undermining and collapse of many railroads, public service and industrial corporations, manifesting itself in unemployment, irreparable loss and waste, and which constitute a serious menace to the stability of our economic system.

GOVERNMENT OWNERSHIP

The prosperity of the American nation rests on the vigor of private initiative which has bred a spirit of independence and self-reliance. The Republican party stands now

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as always against all attempts to put the government into business.

American industry should not be compelled to struggle against government competition. The right of the government to regulate, supervise, and control public utilities and public interests we believe should be strengthened, but we are firmly opposed to the nationalization or government ownership of public utilities.

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COAL—MONOPOLIES

The price and a constant supply of such an essential commodity as coal are of vital interest to the public. The government has no constitutional power to regulate prices, but can bring its influence to bear by the powerful instrument afforded by full publicity. When, through industrial conflict, its supply is threatened, the President should have authority to appoint a commission to act as mediators and as a medium for voluntary arbitration. In the event of a strike, the control of distribution should be invoked to prevent profiteering.

We pledge the Democratic party to regulate by governmental agencies the anthracite coal industry and all other corporations controlling the necessaries of life, where public welfare has been subordinated to private interests.

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The Federal Trade Commission has submitted to the Republican administration numerous reports showing the existence of monopolies and combinations in restraint of trade, and has recommended proceedings against these violators of the law.

The few prosecutions which have resulted from this abundant evidence furnished by this agency created by the Democratic party, while proving the indifference of the administration to the violations of law by trusts and monopolies and its friendship for them, nevertheless demonstrate the value of the Federal Trade Commission.

We declare that a private monopoly is indefensible and intolerable, and pledge the Democratic party to vigorous enforcement of existing laws against monopoly and illegal combinations and to the enactment of such further measures as may be necessary.

MERCHANT MARINE

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The Republican party stands for a strong and permanent merchant marine built by Americans, owned by Americans and manned by Americans, to secure the necessary contact with world markets for the sale of our surplus agricultural and manufactured products, to protect our shippers and importers from exorbitant ocean freight rates and to become a powerful arm of our national defense.

That part of the merchant marine which is now owned by the government should continue to be improved by economical and efficient management, with reduction of the losses now paid by the government through taxation, until it is finally placed on so sound a basis that, with ocean freight rates becoming normal, due to improvement in international affairs, it can be sold to American citizens.

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The Democratic party condemns the vacillating policy of the Republican administration in its failure to develop an American flag shipping policy. There has been a marked decrease in the volume of American commerce carried in American vessels as compared to the record under a Democratic administration.

We oppose as illogical and unsound all efforts to overcome by subsidies the handicaps to American shipping and commerce imposed by Republican policies.

We condemn the practice of certain American railroads in favoring foreign ships, and pledge ourselves to correct such discriminations. We declare for an American-owned merchant marine, American built, and manned by American crews, which is essential for naval security in war, and is a protection to the American farmer and manufacturer against excessive ocean freight charges on products of farm and factory.

We declare the government should own and operate such merchant ships as will insure the accomplishment of these purposes and to continue such operation as long as it may be necessary without obstructing the development and growth of a privately owned American flag shipping.

WATERWAYS—FLOOD-CONTROL—WATER-POWER

Fully realizing the vital importance of transportation in both cost and service to all our people, we favor the construction of the most feasible waterways from the Great Lakes to the Atlantic seaboard and the Gulf of Mexico and

We favor and will promote deep waterways from the Great Lakes to the Gulf and to the Atlantic Ocean.

We favor a policy for the fostering and building up of water transportation through the improve-

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the improvement and development of rivers, harbors, and waterways, inland and coastwise, to the fullest extent justified by the present and potential tonnage available.

We favor a comprehensive survey of the conditions under which the flood waters of the Colorado River may be controlled and utilized for the benefit of the people of the states which border thereon.

The federal water-power act establishes a national water-power policy and the way has thereby been opened for the greatest water-power development in our history under conditions which preserve initiative of our people, yet protect the public interests.

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ment of inland waterways, and the removal of discrimination against water transportation. Flood control and the lowering of flood levels are essential to the safety of life and property, the productivity of our lands, the navigability of our streams, and the reclaiming of our wet and overflowed lands and the creation of hydro-electric power.

We favor the expeditious construction of flood relief works on the Mississippi and Colorado Rivers and also such reclamation and irrigation projects upon the Colorado River as may be found to be feasible and practical.

We favor liberal appropriations for prompt co-ordinated surveys by the United States to determine the possibilities of general navigation improvements and water-power development on navigable streams and their tributaries, to secure reliable information as to the most economical navigation improvement, in combination with the most efficient and complete development of water power.

We favor suspension of the granting of federal water-power licenses by the Federal Water-Power Commission until Congress has received reports from the Water-Power Commission with regard to applications for such licenses.

VETERANS

We reaffirm the admiration and gratitude which we feel for our soldiers and sailors.

The Republican party pledges a continuing and increasing solicitude for all those suffering any disability as a result of service to the United States in time of war. No

We favor generous appropriations, honest management, and sympathetic care and assistance in the hospitalization, rehabilitation, and compensation of veterans of all wars and their dependents. The humanizing of the Veterans' Bureau is imperatively required.

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country and no administration has ever shown a more generous disposition in the care of its disabled, or more thoughtful consideration in providing a sound administration for the solution of the many problems involved in making intended benefits fully, directly, and promptly available to the veterans.

The confusion, inefficiency, and maladministration existing heretofore since the establishment of a government agency has been cured by new legislation, and plans are being actively made looking to a further improvement in the operations of the bureau by the passage of new legislation. The basic statutes have been so liberalized as to bring within their terms 100,000 additional beneficiaries. The privilege of hospitalization in government hospitals, as recommended by President Coolidge, has been granted to all veterans, irrespective of the origin of disability, and over $50,000,000 has been appropriated for hospital construction which will provide sufficient beds to care for all.

Appropriations totaling over $1,100,000,000 made by the Republican Congress for the care of the disabled evidenced the unmistakable purpose of the government not to consider costs when the welfare of these men is at stake. No legislation for the benefit of the disabled soldier proposed during the last four years by veterans' organizations has failed to receive consideration.

We pledge ourselves to meet the problems of the future affecting the care of our wounded and disabled in a spirit of liberality and with that thoughtful consideration which will enable the govern-

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ment to give to the individual veterans that full measure of care guaranteed by an effective administration machinery to which his patriotic services and sacrifices entitle him.

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CONSERVATION

We believe in the development, effective and efficient, whether of oil, timber, coal, or water-power resources of this government, only as needed and only after the public need has become a matter of public record, protected with scrupulous carefulness and vigilant watchfulness against waste, speculation, and monopoly.

The natural resources of the country belong to all the people, and are a part of an estate belonging to generations yet unborn. The government policy should be to safeguard, develop, and utilize these possessions. The conservation policy of the nation originated with the Republican party under the inspiration of Theodore Roosevelt. We hold it a privilege of the Republican party to build as a memorial to him on the foundation which he laid.

We pledge recovery of the navy's oil reserves and all other parts of the public domain which have been fraudulently or illegally leased or otherwise wrongfully transferred to the control of private interests; vigorous prosecution of all public officials, private citizens, and corporations that participated in these transactions; revision of the Water Power Act, the General Leasing Act, and all other legislation relating to the public domain that may be essential to its conservation and honest and efficient use on behalf of the people of the country.

We believe that the nation should retain title to its water power and we favor the expeditious creation and development of our water power. We favor strict public control and conservation of all the nation's natural resources, such as coal, iron, oil, and timber, and their use in such manner as may be to the best interest of our citizens.

The conservation of migratory birds, the establishment of game preserves, and the protection and conservation of wild life are of importance to agriculturists as well as sportsmen.

Our disappearing natural resources of timber call for a national policy of reforestation.

DEPARTMENT OF EDUCATION AND RELIEF

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The conservation of human resources is one of the most solemn responsibilities of government. There is an obligation which cannot be ignored and which demands that the federal government shall as far as lies within its power give to the people and the states the benefit of its counsel.

The welfare activities of the government connected with the various departments are already numerous and important, but lack the co-ordination which is essential to effective action. To meet these needs we approve the recommendation for the creation of a cabinet post of education and relief.

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We believe with Thomas Jefferson and other founders of the republic that ignorance is the enemy of freedom, and that each state, being responsible for the intellectual and moral qualifications of its citizens and for the expenditure of the moneys collected by taxation for the support of its schools, shall use its sovereign right in all matters pertaining to education.

The federal government should offer to the states such counsel, advice, and aid as may be made available through the federal agencies for the general improvement of our schools in view of our national needs.

WAR MOBILIZATION

We believe that in time of war the nation should draft for its defense not only its citizens, but also every resource which may contribute to success. The country demands that should the United States ever again be called upon to defend itself by arms the President be empowered to draft such material resources and such service as may be required, and to stabilize the prices of services and essential commodities, whether used in actual warfare or private activities.

War is a relic of barbarism, and it is justifiable only as a measure of defense.

In the event of war in which the man power of the nation is drafted, all other resources should likewise be drafted. This will tend to discourage war by depriving it of its profits.

IMMIGRATION AND NATURALIZATION

The unprecedented living conditions in Europe following the World War created a condition by which we were threatened with mass immigration that would have seriously disturbed our economic life. The law recently enacted is designed to protect the inhabitants of our country, not only the Amer-

We pledge ourselves to maintain our established position in favor of the exclusion of Asiatic immigration.

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ican citizen, but also the alien already with us, who is seeking to secure an economic foothold for himself and family, against the competition which would come from unrestricted immigration. The administrative features of the law represent a great constructive advance and eliminate the hardships suffered by immigrants under the emergency statute.

We favor the improvement of our naturalization laws and the adoption of methods which will exert a helpful influence among the foreign-born population and provide for the education of the alien in our language, customs, ideals, and standards of life.

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THE DEPENDENCIES

We favor a continuance for the territory of Hawaii of federal assistance in harbor improvements, the appropriation of its share of federal funds, and the systematic extension of the settlement of public lands by the Hawaiian race.

We indorse the policy of the present administration in reference to Alaska and favor a continuance of the constructive development of the territory.

The Philippines policy of the Republican party has been and is inspired by the belief that our duty towards the Filipino people is a national obligation which should remain entirely free from partisan politics.

In accepting the obligation which came to them with the control of the Philippine Islands, the American people had only the wish to serve, advance, and improve the conditions of the Filipino people. That thought will continue

We believe in a policy for continuing the improvements of the National Park, the harbors and breakwaters, and the federal roads of the Territory of Hawaii.

The maladministration of affairs in Alaska is a matter of concern to all our people.

Under the Republican administration in Alaska development has ceased and the fishing industry has been seriously impaired.

We pledge ourselves to correct the evils which have grown up in the administration of that rich domain.

An adequate form of local self-government for Alaska must be provided, and to that end we favor the establishment of a full territorial form of government for that territory, similar to that enjoyed by all the territories except Alaska during the last century of American history.

We recommend legislation for

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to be the dominating factor in the American consideration of the many problems which must inevitably grow out of our relationship to these people.

If the time comes when it is evident to Congress that independence would be better for the people of the Philippines with respect to both their domestic concerns and their status in the world, and the Filipino people then desire complete independence, the American government will gladly accord it. The results of a careful study of the conditions in the Philippine Islands convince us that the time for such action has not yet arrived.

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the welfare of the inhabitants of the Virgin Islands.

The Filipino people have succeeded in maintaining a stable government and have thus fulfilled the only condition laid down by Congress as a prerequisite to the granting of independence. We declare that it is now our liberty and our duty to keep our promise to these people by granting them immediately the independence which they so honorably covet.

RECLAMATION

Federal reclamation of the arid and semi-arid lands in the West has been the subject of intensive study in the department of the interior during the past fiscal year. New policies and methods of operation have been adopted which promise to insure the successful accomplishment of the objects sought. The completion of this reorganization plan is regarded as one of the achievements of the present administration in the interest of farmers immediately and of all the people ultimately.

The Democratic party was foremost in urging reclamation for the arid and semi-arid lands of the West. These lands are located in the public-land states and, therefore, it is the duty of the government to utilize their resources by reclamation.

Homestead entrymen under reclamation projects have suffered from the extravagant inefficiencies and mistakes of the federal government.

The Reclamation Act of 1924, recommended by the Fact-Finding Commission and added as an amendment to the second deficiency appropriation bill at the last session of Congress, was eliminated from that bill by the Republican conferees in the report they presented to Congress one hour before adjournment. The Democratic party pledges itself actively, efficiently, and economically to carry on the reclamation projects and to make equitable adjustment for the mistakes the government has made.

AVIATION

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We advocate the early enactment of such legislation and the taking of such steps by the government as will tend to promote commercial aviation.

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We favor a sustained development of aviation both by the government and commercially.

ARMY AND NAVY

There must be no further weakening of our regular army. We advocate appropriations sufficient to provide for the training of all members of the National Guard, the citizens' military training camps, the reserve officers' training corps, officers' reserve corps, and the reserves who may offer themselves for service. We pledge ourselves to round out and maintain the navy to the full strength provided the United States by the letter and spirit of the limitation of armaments conference.

We demand a strict and sweeping reduction of armaments by land and sea, so that there shall be no competitive military programme or naval building. Until agreements to this end have been made we advocate an army and navy adequate for our national safety.

THE NEGRO

We urge the Congress to enact at the earliest possible date a federal anti-lynching law so that the full influence of the federal government may be wielded to exterminate this hideous crime. We believe that much of the misunderstanding which now exists can be eliminated by humane and sympathetic study of its causes. The President has wisely recommended the creation of a commission for the investigation of social and economic conditions and the promotion of mutual understanding and confidence.

GOVERNMENTAL CORRUPTION

We recognize the duty of constant vigilance to preserve at all times a clean and honest government and to bring to the bar of justice every defiler of the public service in or out of office.

Never before in our history has the government been so tainted by corruption and never has an administration so utterly failed. The nation has been appalled by the revelations of political depravity

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Dishonesty and corruption are not political attributes. The recent congressional investigations have exposed instances in both parties of men in public office who are willing to sell official favors and men out of office who are willing to buy them in some cases with money and in others with influence.

The sale of influence resulting from the holding of public position or from association while in public office or the use of such influence for private gain or advantage, is a perversion of public trust and prejudicial to good government. It should be condemned by public opinion and forbidden by law.

"We demand the speedy, fearless, and impartial prosecution of all wrong-doers, without regard for political affiliation or position; but we declare no greater wrong can be committed against the people than the attempt to destroy their trust in the great body of their public servants. Admitting the deep humiliation which all good citizens share, that our public life should have harbored some dishonest men, we assert that these undesirables do not represent the standard of our national integrity.

The government at Washington is served to-day by thousands of earnest, conscientious, and faithful officials and employees in every branch. It is a grave wrong against these patriotic men and women to strive indiscriminately to besmirch the names of the innocent and undermine the confidence of the people in the government under which they live. It is even a graver wrong when this is done for partisan purposes or for selfish exploitations.

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which have characterized the conduct of public affairs.

We arraign the Republican party for attempting to limit inquiry into official delinquencies, and to impede, if not to frustrate, the investigations to which in the beginning the Republican party and leaders assented, but which later they regarded with dismay.

These investigations sent the former secretary of the interior to Three Rivers in disgrace and dishonor. These investigations revealed the incapacity and indifference to public obligation of the secretary of the navy, compelling him, by force of public opinion, to quit the Cabinet. These investigations confirmed the general impression as to the unfitness of the attorney-general by exposing an official situation and personal contacts which shocked the conscience of the nation and compelled his dismissal from the Cabinet.

These investigations disclosed the appalling conditions of the Veterans' Bureau, with its fraud upon the government, and its cruel neglect of the sick and disabled soldiers of the World War. These investigations revealed the criminal and fraudulent nature of the oil leases, which caused the Congress, despite the indifference of the Executive, to direct recovery of the public domain and the prosecution of the criminal.

Such are the exigencies of partisan politics that Republican leaders are teaching the strange doctrine that public censure should be directed against those who expose crime rather than against criminals who have committed the offenses. If only three Cabinet officers out of ten are disgraced the

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The Republican administration has already taken charge of the prosecution of official dereliction, and it will continue the work of discovery and punishment; but it will not confuse the innocent with the guilty, nor digress for partisan advantage from the strict enforcement of the law.

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country is asked to marvel at how many are free from taint.

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We pledge the Democratic party to drive from public places all who make barter of our national honor, its resources or the administration of its laws; to punish those guilty of these offenses.

To put none but the honest in public office; to practise economy in the expenditure of public money; to reverence and respect the rights of all under the Constitution.

To condemn and destroy government by the spy and the blackmailer, as by this Republican administration was both encouraged and practised.

CAMPAIGN FUNDS

The nation now knows that the predatory interests have, by supplying Republican campaign funds, systematically purchased legislative favors and administrative immunity. The practice must stop; our nation must return to honesty and decency in politics.

Elections are public affairs conducted for the sole purpose of ascertaining the will of the sovereign voters. Therefore, we demand that national elections shall hereafter be kept free from the poison of excessive private contributions.

To this end, we favor reasonable means of publicity, at public expense, so that candidates, properly before the people for federal offices, may present their claims at a minimum of cost. Such publicity should precede the primary and the election.

We favor the prohibition of in-

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dividual contributions, direct and indirect, to the campaign funds of congressmen, senators, or presidential candidates, beyond a reasonable sum to be fixed in the law, for both individual contributions and total expenditures, with requirements for full publicity.

We advocate a complete revision of the Corrupt Practices Act to prevent Newberryism and the election evils disclosed by recent investigations.

LAW ENFORCEMENT—PROHIBITION

We must have respect for law. We must have observance of law. We must have enforcement of law. The very existence of the government depends upon this. The substitution of private will for public law is only another name for oppression, disorder, anarchy, and mob rule.

Every government depends upon the loyalty and respect of its citizens. Violations of the law weaken and threaten government itself. No honest government can condone such actions on the part of its citizens. The Republican party pledges the full strength of the government for the maintenance of these principles by the enforcement of the constitution and of all laws.

The Republican administration has failed to enforce the prohibition law, is guilty of trafficking in liquor permits and has become the protector of violators of this law.

The Democratic party pledges itself to respect and enforce the Constitution and all laws.

WOMEN IN POLITICS

We extend our greeting to the women delegates who for the first time under federal authorization sit with us in full equality. The Republican party from the beginning has espoused the cause of woman suffrage, and the presence of these women delegates signifies to many here the completion of a

We welcome the women of the nation to their rightful place by the side of men in the control of the government, whose burdens they have always shared.

The Democratic party congratulates them upon the essential part which they have taken in the progress of our country, and the

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task undertaken years ago. We welcome them, not as assistants or as auxiliary representatives, but as co-partners in the great political work in which we are engaged, and we believe that the actual partnership in party councils should be more complete.

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zeal with which they are using their political power to aid the enactment of beneficent laws and the exaction of fidelity in the public service.

DATE FOR CONVENING OF CONGRESS

We pledge the Democratic party to a policy which will prevent members of either House who fail of re-election from participating in the subsequent sessions of Congress. This can be accomplished by fixing the days for convening the Congress immediately after the biennial national election; and to this end we favor granting the right to the people of the several states to vote on proposed constitutional amendments on this subject.

PROBATION

We favor the extension of the probation principle to the courts of the United States.

CIVIL RIGHTS

(KU KLUX KLAN)

The Republican party reaffirms its unyielding devotion to the Constitution, and to the guarantees of civil, political and religious liberty therein contained.

The Democratic party reaffirms its adherence and devotion to those cardinal principles contained in the Constitution and the precepts upon which our government is founded, that Congress shall make no laws respecting the establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances; that the Church and

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the State shall be and remain separate, and that no religious test shall ever be required as a qualification to any office of public trust under the United States. These principles we pledge ourselves ever to defend and maintain. We insist at all times upon obedience to the orderly processes of the law and deplore and condemn any effort to arouse religious or racial dissension.

PARTY RESPONSIBILITY

In our form of government, parties are essential instrumentalities. Our Government functions best when the Chief Executive is supported in the Congress by a majority of the same political faith, united by common principles and able by concerted action to carry out in an orderly way a definite, consistent and balanced programme.

In urging the people to elect a Republican President and Vice-President, we ask them to elect to the Senate and House of Representatives men and women who believe in the Republican principles, acknowledge party responsibility, and who can be relied on to keep faith with the people by carrying out the platform which the Republican party presents and pledges itself to fulfil.

Long boastful that it was the only party "fit to govern," the Republican party has proved its inability to govern even itself. It is at war with itself. As an agency of government it has ceased to function. This nation cannot afford to entrust its welfare to a political organization that cannot master itself, or to an Executive whose policies have been rejected by his own party. To retain in power an administration of this character would inevitably result in four years more of continued disorder, internal dissension, and governmental inefficiency.

A vote for Coolidge is a vote for chaos!

(Conclusion)

Affirming our faith in these principles, we submit our cause to the people.

APPENDIX C

PLATFORM OF THE PROGRESSIVE (LA FOLLETTE) PARTY, 1924[1]

For 148 years the American people have been seeking to establish a government for the service of all and to prevent the establishment of a government for the mastery of the few. Free men of every generation must combat renewed efforts of organized force and greed to destroy liberty. Every generation must wage a new war for freedom against new forces that seek through new devices to enslave mankind.

Under our representative democracy, the people protect their liberties through their public agents.

The test of public officials and public policies alike must be: Will they serve, or will they exploit, the common need?

The reactionary continues to put his faith in mastery for the solution of all problems. He seeks to have what he calls the "strong men and best minds" rule and impose their decisions upon the masses of their weaker brethren.

The Progressive, on the contrary, contends for less autocracy and more democracy in government and for less power of privilege and greater obligations of service.

Under the principle of ruthless individualism and competition, that government is deemed best which offers to the few the greatest chance of individual gain.

Under the Progressive principle of co-operation, that government is deemed best which offers to the many the highest level of average happiness and well-being.

It is our faith that we all go up or down together—that class gains are temporary delusions and that eternal laws of compensation make every man his brother's keeper.

PROGRAMME OF PUBLIC SERVICE

In that faith we present our programme of public service:

(1) The use of the power of the federal government to crush private monopoly, not to foster it.

(2) Unqualified enforcement of the constitutional guarantees of freedom of speech, press, and assemblage.

(3) Public ownership of the nation's water power and creation of a public super-power system. Strict public control and permanent con-

[1] Adopted by the Conference for Progressive Political Action at Cleveland, July 4, 1924.

servation of all natural resources, including coal, iron, and other ores, oil and timber lands, in the interest of the people. Promotion of public works in times of business depression.

(4) Retention of surtaxes on swollen incomes, restoration of the tax on excess profits, taxation of stock dividends, profits undistributed to evade taxes, rapidly progressive taxes on large estates and inheritances, and repeal of excessive tariff duties, especially on trust-controlled necessities of life and of nuisance taxes on consumption, to relieve the people of the present unjust burden of taxation and compel those who profited by the war to pay their share of the war's costs, and to provide the funds for adjusted compensation solemnly pledged to the veterans of the World War.

RECONSTRUCTION OF BANKING SYSTEMS

(5) Reconstruction of the Federal Reserve and Federal Farm Loan systems to provide for direct public control of the nation's money and credit to make it available on fair terms to all, and national and state legislation to permit and promote co-operative banking.

(6) Adequate laws to guarantee to farmers and industrial workers the right to organize and bargain collectively through representatives of their own choosing for the maintenance or improvement of their standards of life.

(7) Creation of a government marketing corporation to provide a direct route between farm produce and city consumer and to assure farmers fair prices for their products and protect consumers from the profiteers in foodstuffs and other necessaries of life. Legislation to control the meat-packing industry.

(8) Protection and aid of co-operative enterprises by national and state legislation.

(9) Common international action to effect the economic recovery of the world from the effects of the World War.

PUBLIC OWNERSHIP OF RAILROADS

(10) Repeal of the Esch-Cummins law. Public ownership of railroads, with democratic operation, with definite safeguards against bureaucratic control.

(11) Abolition of the tyranny and usurpation of the courts, including the practice of nullifying legislation in conflict with the political, social, or economic theories of the judges. Abolition of injunctions in labor disputes and of the power to punish for contempt without trial by jury. Election of all federal judges without party designation for limited terms.

(12) Prompt ratification of the child labor amendment and subsequent enactment of a federal law to protect children in industry. Removal of legal discrimination against women by measures not prejudicial to legislation necessary for the protection of women and for the advancement of social welfare.

(13) A deep waterway from the Great Lakes to the sea.

FOREIGN POLICY DENOUNCED

(14) We denounce the mercenary system of degraded foreign policy under recent administrations in the interests of financial imperialists, oil monopolists, and international bankers, which has at times degraded our state department from its high service as a strong and kindly intermediary of defenceless governments to a trading outpost for those interests and concession seekers engaged in the exploitations of weaker nations, as contrary to the will of the American people, destructive of domestic development and provocative of war. We favor an active foreign policy to bring about a revision of the Versailles treaty in accordance with the terms of the armistice, and to promote firm treaty agreements with all nations to outlaw wars, abolish conscription, drastically reduce land, air, and naval armaments, and guarantee public referendums on peace and war.

In supporting this programme, we are applying to the needs of today the fundamental principles of American democracy, opposing equally the dictatorship of plutocracy and the dictatorship of the proletariat.

We appeal to all Americans without regard to partisan affiliation and we raise the standards of our faith so that all of like purpose may rally and march in this campaign under the banners of progressive union.

SERVICE INSTEAD OF GREED

The nation may grow rich in the vision of greed. The nation will grow great in the vision of service.

Separate resolutions:

(1) Resolved, that we favor the enactment of the postal salary adjustment measure for the employees of the postal service passed by the first session of the 68th Congress and vetoed by President Coolidge.

(2) Resolved, that we favor enforcement and extension of the merit system in the federal civil service to all its branches and transfer of the functions of the personnel classification board to the United States Civil Service Commission.

(3) Resolved, that we favor the immediate and complete independence of the Philippine Islands, in accordance with the pledges of the official representatives of the American people.

(4) Resolved, that appropriate legislation be enacted which will provide for the people of the Virgin Islands a more permanent form of civil government, such as will enable them to attain their economic, industrial, and political betterment.

SYMPATHY WITH IRISH

(5) Resolved, that we deeply sympathize with the aspirations of the Irish people for freedom and independence.

(6) Resolved, that in the prevailing starvation in Germany, which, according to authoritative evidence, is beyond the scope of private charity, and in the event of like destitution in any other country, we

consider it humane and just, and in conformity with our traditions and former practices, that the aid of our government should be extended in the form of the delivery of surplus food supplies to a reasonable amount, and upon such conditions as the emergency may justify.

(7) Resolved, that we denounce every such use of the armed forces of the United States to aid in the exploitation of weaker nations as has occurred all too frequently in our relations with Haiti, San Domingo, Nicaragua, and other nations of Central and South America."

APPENDIX D

PLATFORM OF ROBERT M. LA FOLLETTE[1]

INDEPENDENT PROGRESSIVE CANDIDATE FOR PRESIDENT OF THE UNITED STATES

(Endorsed by Voters of Wisconsin by 100,000 Majority)

The great issue before the American people to-day is the control of government and industry by private monoploy.

For a generation the people have struggled patiently, in the face of repeated betrayals by successive administrations, to free themselves from this intolerable power which has been undermining representative government.

Through control of government, monopoly has steadily extended its absolute dominion to every basic industry.

In violation of law, monopoly has crushed competition, stifled private initiative and independent enterprise, and without fear of punishment now exacts extortionate profits upon every necessity of life consumed by the public.

The equality of opportunity proclaimed by the Declaration of Independence and asserted and defended by Jefferson and Lincoln as the heritage of every American citizen has been displaced by special privilege for the few, wrested from the government of the many.

FUNDAMENTAL RIGHTS IN DANGER

That tyrannical power which the American people denied to a king, they will no longer endure from the monopoly system. The people know they cannot yield to any group the control of the economic life of the nation and preserve their political liberties. They know monopoly has its representatives in the halls of Congress, on the federal bench, and in the executive departments; that these servile agents barter away the nation's natural resources, nullify acts of Congress by

[1] Although the preceding platform is the one officially adopted by the convention which nominated Senators La Follette and Wheeler for the presidency and vice-presidency, respectively (1924), it was relegated to a relatively inconspicuous place in the Progressive campaign text-book (pp. 122–124), and much greater prominence was given to Senator La Follette's personal platform (pp. 50–54). As the latter received much more attention throughout the campaign and tends to make the position and aims of the Progressive party clearer and more definite than the official platform, it is here reprinted in full.

judicial veto and administrative favor, invade the people's rights by unlawful arrests and unconstitutional searches and seizures, direct our foreign policy in the interests of predatory wealth, and make wars and conscript the sons of the common people to fight them.

The usurpation in recent years by the federal courts of the power to nullify laws duly enacted by the legislative branch of the government is a plain violation of the Constitution. Abraham Lincoln, in his first inaugural address, said: "The candid citizen must confess that if the policy of the government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal." The Constitution specifically vests all legislative power in the Congress, giving that body power and authority to override the veto of the president. The federal courts are given no authority under the Constitution to veto acts of Congress. Since the federal courts have assumed to exercise such veto power, it is essential that the Constitution shall give to the Congress the right to override such judicial veto, otherwise the Court will make itself master over the other co-ordinate branches of the government. The people themselves must approve or disapprove the present exercise of legislative power by the federal courts.

DISTRESS OF AMERICAN FARMERS

The present condition of American agriculture constitutes an emergency of the gravest character. The Department of Commerce report shows that during 1923 there was a steady and marked increase in dividends paid by the great industrial corporations. The same is true of the steam and electric railways and practically all other large corporations. On the other hand, the Secretary of Agriculture reports that in the fifteen principal wheat-growing states more than 108,000 farmers since 1920 have lost their farms through foreclosure or bankruptcy; that more than 122,000 have surrendered their property without legal proceedings, and that nearly 375,000 have retained possession of their property only through leniency of their creditors, making a total of more than 600,000 or 26 per cent of all farmers who have virtually been bankrupted since 1920 in these fifteen states alone.

Almost unlimited prosperity for the great corporations and ruin and bankruptcy for agriculture is the direct and logical result of the policies and legislation which deflated the farmer while extending almost unlimited credit to the great corporations; which protected with exorbitant tariffs the industrial magnates, but depressed the prices of the farmer's products by financial juggling while greatly increasing the cost of what he must buy; which guaranteed excessive freight rates to the railroads and put a premium on wasteful management while saddling an unwarranted burden onto the backs of the American farmer; which permitted gambling in the products of the farm by grain speculators to the great detriment of the farmer and to the great profit of the grain gambler.

A COVENANT WITH THE PEOPLE

Awakened by the dangers which menace their freedom and prosperity, the American people still retain the right and courage to exercise their sovereign control over their government. In order to destroy the economic and political power of monopoly, which has come between the people and their government, we pledge ourselves to the following principles and policies:

THE HOUSE CLEANING

1. We pledge a complete housecleaning in the Department of Justice, the Department of the Interior, and the other executive departments. We demand that the power of the Federal Government be used to crush private monopoly, not to foster it.

NATURAL RESOURCES

2. We pledge recovery of the navy's oil reserves and all other parts of the public domain which have been fraudulently or illegally leased or otherwise wrongfully transferred to the control of private interests; vigorous prosecution of all public officials, private citizens and corporations that participated in these transactions; complete revision of the water-power act, the general leasing act, and all other legislation relating to the public domain. We favor public ownership of the nation's water power and the creation and development of a national super-water-power system, including Muscle Shoals, to supply at actual cost light and power for the people and nitrate for the farmers, and strict public control and permanent conservation of all the nation's resources, including coal, iron and other ores, oil and timber lands, in the interest of the people.

RAILROADS

3. We favor repeal of the Esch-Cummins railroad law and the fixing of railroad rates upon the basis of actual, prudent investment and cost of service. We pledge speedy enactment of the Howell-Barkley Bill for the adjustment of controversies between railroads and their employees, which was held up in the last Congress by joint action of reactionary leaders of the Democratic and Republican parties. We declare for public ownership of railroads with definite safeguards against bureaucratic control, as the only final solution of the transportation problem.

TAX REDUCTION

4. We favor reduction of federal taxes upon individual incomes and legitimate business, limiting tax exactions strictly to the requirements of the government administered with rigid economy, particularly by curtailment of the eight hundred million dollars now annually expended for the army and navy in preparation for future wars; by the recovery

of the hundreds of millions of dollars stolen from the Treasury through fraudulent war contracts and the corrupt leasing of the public resources; and by diligent action to collect the accumulated interest upon the eleven billion dollars owing us by foreign governments.

We denounce the Mellon tax plan as a device to relieve multimillionaires at the expense of other taxpayers, and favor a taxation policy providing for immediate reductions upon moderate incomes, large increases in the inheritance tax rates upon large estates to prevent the indefinite accumulation by inheritance of great fortunes in a few hands; taxes upon excess profits to penalize profiteering, and complete publicity, under proper safeguards, of all federal tax returns.

THE COURTS

5. We favor submitting to the people, for their considerate judgment, a constitutional amendment providing that Congress may by enacting a statute make it effective over a judicial veto.

We favor such amendment to the constitution as may be necessary to provide for the election of all federal judges, without party designation, for fixed terms not exceeding ten years, by direct vote of the people.

THE FARMERS

6. We favor drastic reduction of the exorbitant duties on manufactures provided in the Fordney-McCumber tariff legislation, the prohibiting of gambling by speculators and profiteers in agricultural products; the reconstruction of the Federal Reserve and Federal Farm Loan Systems, so as to eliminate control by usurers, speculators, and international financiers, and to make the credit of the nation available upon fair terms to all and without discrimination to business men, farmers and home-builders. We advocate the calling of a special session of Congress to pass legislation for the relief of American agriculture. We favor such further legislation as may be needful or helpful in promoting and protecting co-operative enterprises. We demand that the Interstate Commerce Commission proceed forthwith to reduce by an approximation to prewar levels the present freight rates on agricultural products, including live stock, and upon the materials required upon American farms for agricultural purposes.

LABOR

7. We favor abolition of the use of injunctions in labor disputes and declare for complete protection of the right of farmers and industrial workers to organize, bargain collectively through representatives of their own choosing, and conduct without hindrance co-operative enterprises.

We favor prompt ratification of the Child Labor amendment, and subsequent enactment of a federal law to protect children in industry.

POSTAL SERVICE

8. We believe that a prompt and dependable postal service is essential to the social and economic welfare of the nation; and that as one of the most important steps toward establishing and maintaining such a service, it is necessary to fix wage standards that will secure and retain employees of character, energy and ability.

We favor the enactment of the postal salary adjustment measure (S. 1898) for the employees of the postal service, passed by the first session of the 68th Congress, vetoed by the President and now awaiting further consideration by the next session of Congress.

We endorse liberalizing the Civil Service Retirement Law along the lines of S. 3011 now pending in Congress.

WAR VETERANS

9. We favor adjusted compensation for the veterans of the late war, not as charity, but as a matter of right, and we demand that the money necessary to meet this obligation of the government be raised by taxes laid upon wealth in proportion to the ability to pay, and declare our opposition to the sales tax or any other device to shift this obligation onto the backs of the poor in higher prices and increased cost of living. We do not regard the payment at the end of a long period of a small insurance as provided by the law recently passed as in any just sense a discharge of the nation's obligations to the veterans of the late war.

GREAT LAKES TO SEA

10. We favor a deep waterway from the Great Lakes to the sea. The government should, in conjunction with Canada, take immediate action to give the northwestern states an outlet to the ocean for cargoes, without change in bulk, thus making the primary markets on the Great Lakes equal to those of New York.

POPULAR SOVEREIGNTY

11. Over and above constitutions and statutes, and greater than all, is the supreme sovereignty of the people, and with them should rest the final decision of all great questions of national policy. We favor such amendments to the Federal Constitution as may be necessary to provide for the direct nomination and election of the President, to extend the initiative and referendum to the federal government, and to insure a popular referendum for or against war except in cases of actual invasion.

PEACE ON EARTH

12. We denounce the mercenary system of foreign policy under recent administrations in the interests of financial imperialists, oil monopolists and international bankers, which has at times degraded our State Department from its high service as a strong and kindly inter-

mediary of defenseless governments to a trading outpost for those interests and concession-seekers engaged in the exploitations of weaker nations, as contrary to the will of the American people, destructive of domestic development and provocative of war. We favor an active foreign policy to bring about a revision of the Versailles treaty in accordance with the terms of the armistice, and to promote firm treaty agreements with all nations to outlaw wars, abolish conscription, drastically reduce land, air, and naval armaments, and guarantee public referendums on peace and war.

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